

1 SUPREME COURT

2 ALL COUNTIES WITHIN THE CITY OF NEW YORK

3

4 IN RE: NEW YORK CITY ASBESTOS LITIGATION

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8 DEPOSITION UNDER ORAL

9 EXAMINATION OF

10 FREDERICK G. BROWN

11 (VOLUME I)

12

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14

15 This Document Applies To:

16 FREDERICK G. BROWN

17 INDEX NO.: 190195-17

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22 PRIORITY ONE COURT REPORTING SERVICES, INC.

23 290 West Mt. Pleasant Ave, Suite 2260

24 Livingston, New Jersey 07039

25 (718) 983-1234

PRIORITY ONE REPORTING (718) 983-1234

1 Transcript of the deposition of
 2 the Plaintiff called for Oral Examination
 3 in the above-captioned matter, said
 4 deposition being taken pursuant to
 5 Federal Rules of Civil Procedure by and
 6 before CHERYL E. SOLOMON, a Notary Public
 7 and Shorthand Reporter, at the Hampton
 8 Inn, One North Avenue, Garden City, New
 9 York, on Tuesday, December 19, 2017,
 10 commencing at approximately 10:20 in the
 11 forenoon.

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25 Job No. 2744594

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	<p style="text-align: right;">Page 6</p> <p>1 McELROY, DEUTSCHE, MULVANEY & CARPENTER, LLP 2 Attorneys for Defendant Batton 3 1300 Mount Kemble Avenue 4 Morristown, New Jersey 07962-2075 5 BY: DENISE D. HARRIS, ESQ. 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 8</p> <p>1 FREDERICK G. BROWN, 2 the Plaintiff herein, having first been 3 duly sworn by the Notary Public, was 4 examined and testified as follows: 5 THE REPORTER: State your name for 6 the record, please. 7 THE WITNESS: Frederick G. Brown. 8 THE REPORTER: State your present 9 home address for the record, please. 10 THE WITNESS: 1017 Bayside, 11 Rockaway Point, New York 11697. 12 MR. WARSHAUER: Are there any 13 statements for the record before we 14 begin? 15 (No verbal response given) 16 DIRECT EXAMINATION 17 BY MR. WARSHAUER: 18 Q. Good morning, Mr. Brown. 19 A. Good morning. 20 Q. Can you hear me okay? 21 A. Sure. 22 Q. For the record my name is Andrew 23 Warshauer, I am from the firm of 24 Marshall, Dennehey, Warner, Coleman and 25 Goggin. I represent a few of the</p>
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	<p style="text-align: right;">Page 7</p> <p>1 IT IS HEREBY STIPULATED, by and between 2 the attorneys for the respective parties 3 hereto, that filing, sealing and 4 certification of the within Examination 5 Before Trial be waived; that all objections, 6 except as to form, are reserved to the time 7 of trial.</p> <p>8 IT IS FURTHER STIPULATED AND AGREED that 9 the transcript may be signed before any 10 Notary Public with the same force and effect 11 as if signed before a Clerk or Judge of the 12 Court.</p> <p>13 IT IS FURTHER STIPULATED AND AGREED that 14 all rights provided to all parties by the 15 CPLR shall not be deemed waived and the 16 appropriate sections of the CPLR shall be 17 controlling with respect thereto.</p> <p>18 IT IS FURTHER STIPULATED AND AGREED by 19 and between the attorneys for the respective 20 parties hereto that a copy of the 21 Examination shall be furnished, without 22 charge, to the attorney representing the 23 witness testifying herein.</p> <p>24 25</p> <p style="text-align: right;">Page 9</p> <p>1 defendants in this case. 2 I will be asking you the bulk of 3 the questions today. When I'm done some 4 of the other attorneys in the room may 5 have some additional questions for you. 6 Have you ever had your 7 deposition taken before -- 8 A. No. 9 Q. -- in a setting like this with a 10 reporter present transcribing the 11 questions and answers? 12 A. Never. 13 MR. FINLEY: Just remember, 14 please, wait for him to finish asking 15 the question -- 16 THE WITNESS: Okay. 17 MR. FINLEY: -- and then you can 18 give your answer, this way the court 19 reporter can get down what everybody is 20 saying. 21 THE WITNESS: Okay. 22 Q. Let me go over some of the 23 ground rules before we begin. 24 As your attorney just advised 25 you, please allow me to finish my</p>
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1 question before you give an answer since
 2 the reporter cannot take down both of our
 3 voices at the same time.
 4 I would also ask that you keep
 5 your answers in verbal form as the
 6 reporter cannot take down a gesture or a
 7 nod or a shrug of the shoulders.
 8 If you don't understand one of
 9 my questions, please ask me to rephrase
 10 and I will do so. If you don't know the
 11 answer to one of my questions, "I don't
 12 know" is a perfectly acceptable answer.
 13 I don't want you to guess. If you want
 14 to give an estimate that's fine but you
 15 don't have to guess.
 16 If you need a break at any time
 17 during the course of my questions, let me
 18 know, let your attorney know, you can
 19 have as many breaks as you may need.
 20 Do you understand these
 21 instructions?
 22 A. Yes.
 23 Q. Are you taking any medications
 24 this morning?
 25 A. Yes.

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1 A. No. But he did my carotid
 2 arteries.
 3 Q. But the doctor that prescribed
 4 Eliquis is affiliated with HHP?
 5 A. Yes.
 6 Q. Do you know the dosage of the
 7 Eliquis?
 8 A. No.
 9 Q. That's fine, if you don't that's
 10 fine.
 11 And you also take Simvastatin
 12 for cholesterol?
 13 A. Yes.
 14 Q. How long have you been taking
 15 that?
 16 A. Oh, a long time, I don't know
 17 how long.
 18 Q. More than five years?
 19 A. Oh, I think so.
 20 Q. More than ten years?
 21 A. No. Five or ten I guess.
 22 Q. Do you know the name of the
 23 doctor that initially prescribed that
 24 medication?
 25 A. No.

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1 Q. Do you know the names of the
 2 medications you're taking?
 3 A. Eliquis, blood thinner, and
 4 Simvastatin I think it is, I think that's
 5 for cholesterol, and that's about it.
 6 Q. How long have you been taking
 7 Eliquis?
 8 A. Oh, about, let me see, probably
 9 two, two years.
 10 Q. What condition do you take that
 11 medication for?
 12 A. For I had a stroke and that's in
 13 the blood.
 14 Q. Do you know the name of the
 15 doctor that initially prescribed the
 16 medication?
 17 A. Yes. I got it on a piece of
 18 paper somewhere but Rems, Remeys, Rem --
 19 R-E-M-E-Y-S.
 20 MR. FINLEY: If you're not sure,
 21 that's fine.
 22 A. He's affiliated with my HHP
 23 Center.
 24 Q. Is it Dr. Gary Gwertzman, is it
 25 Gwertzman?

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1 Q. Have you taken any other
 2 medications this morning other than the
 3 Eliquis and the Simvastatin?
 4 A. Just Tylenol.
 5 Q. Do you take that on your own --
 6 A. Yeah.
 7 Q. -- or is that upon the advice of
 8 a doctor?
 9 A. My heart doctor, she said don't
 10 take any, no more aspirin, Tylenol if you
 11 want.
 12 Q. And what's the name of your
 13 heart doctor?
 14 A. I got that one but...
 15 Q. Is it Dr. Samantha Jagger?
 16 A. Yeah. See, you can help me.
 17 Q. I'll try to help you if I can.
 18 How long has Dr. Jagger been
 19 your heart doctor or your cardiologist
 20 for?
 21 A. Oh, about three years.
 22 Q. And she --
 23 A. But I had a lot of stuff done in
 24 three years.
 25 Q. And she told you to stop taking

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1 aspirin and take Tylenol instead?	1 Q. Other than that did you review
2 A. Yes.	2 anything else in preparation for
3 Q. Do you know why she told you to	3 testifying here today?
4 stop taking aspirin?	4 A. No.
5 A. No. I forget what the reason	5 MR. WARSHAUER: If we could go off
6 was. She said because there's a lot of	6 the record briefly for personal
7 aspirin in Eliquis.	7 information we don't want to appear on
8 Q. You mentioned two years ago you	8 the stenographic record.
9 had a stroke, is that the only time	9 (Discussion held off the record)
10 during your lifetime you had a stroke?	10 MR. WARSHAUER: We're back on the
11 A. Yeah.	11 record after obtaining some personal
12 Q. Have you ever had a heart	12 identifying information we did not want
13 attack?	13 to appear on the stenographic record.
14 A. No.	14 Q. Sir, where were you born?
15 Q. Do you take any other medication	15 A. In New York City.
16 on a regular or a semiregular basis that	16 Q. In Manhattan?
17 you haven't yet taken this morning?	17 A. Manhattan.
18 A. No. I take Tylenol because I'm	18 Q. Sir, the first thing we're going
19 in pain.	19 to do today is talk about the different
20 Q. And aside from that and the	20 places you've lived over the course of
21 Eliquis and the Simvastatin, do you take	21 your lifetime, okay?
22 any other medications?	22 A. Okay.
23 A. No.	23 Q. I'm going to start with your
24 Q. Did you review any documents or	24 current home and I'm going to work my way
25 records in preparation for testifying	25 backwards if that's okay; is that okay?
Page 15	Page 17
1 here today? And when I'm referring to	1 A. Yeah.
2 records or documents, I'm talking about	2 Q. You told us earlier you
3 employment records, Social Security	3 currently live at 1017 Bayside in
4 records, military records, union records,	4 Rockaway Point?
5 medical records, anything like that in	5 A. Yeah.
6 preparation for testifying here today.	6 Q. How long have you lived there?
7 A. I looked at some...	7 A. Twenty-five years.
8 THE WITNESS: I don't know what to	8 Q. According to that document that
9 say.	9 you reviewed in preparation for
10 MR. PINLEY: Your Interrogatories?	10 testifying here today, you lived there
11 THE WITNESS: Yeah.	11 since around 1991; does that sound about
12 Q. Did you look at a document	12 right?
13 called Answers to Interrogatories, that	13 A. How many years is that?
14 is a series of questions and answers	14 Q. Twenty-six.
15 concerning your personal history, the	15 A. Yeah, yeah, very close.
16 different places you've worked, things	16 Q. What type of home is that?
17 like that?	17 A. It's a one-family home.
18 A. Yes.	18 Q. It's a single-family home?
19 Q. Is that something that you	19 A. Yes.
20 provided the answers to a series of	20 Q. Who do you live there with?
21 questions contained in that document?	21 A. My wife and, well, my one son,
22 A. Yeah.	22 we had another son that passed away and
23 Q. And are the answers truthful and	23 my daughter lives in Floral Park.
24 accurate to the best of your knowledge?	24 Q. So, right now you live there
25 A. Yeah.	25 with your wife and that's it, anybody

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1 else?	1 A. Yeah.	
2 A. No, my son.	2 Q. How long did you live there?	
3 Q. And one son, okay.	3 A. I think 25 years.	
4 A. Yeah.	4 Q. According to that same document	
5 Q. And the son that lives there,	5 that you reviewed in preparation for	
6 what's his name?	6 being here today, you lived there since	
7 A. Douglas.	7 approximately 1969; does that sound	
8 Q. Do you own the home?	8 right?	
9 A. Yes.	9 A. That's when I got out of the	
10 Q. Any mortgages, liens?	10 service.	
11 A. Oh, yeah, I have a mortgage.	11 Q. And is that when you first lived	
12 Q. Do you know the approximate	12 there?	
13 balance of the mortgage?	13 A. No, no, I wouldn't -- I started	
14 A. Yeah. Sandy did it all, I think	14 living there way before I got out of the	
15 I got a mortgage for 80 or 90,000.	15 service.	
16 Q. You took out another mortgage	16 Q. Do you remember approximately	
17 after Sandy?	17 when you started living there?	
18 A. After Sandy, yeah, I had to	18 A. Can't think. It had to be my	
19 rebuild.	19 whole son's life, had to be 25 years.	
20 Q. You had to rebuild because of	20 Q. So, around middle-1960s?	
21 the storm?	21 A. Yeah. I'm retired 25 years and	
22 A. Yeah.	22 I worked 25 years.	
23 Q. And you think the approximate	23 Q. So, you think sometime in the	
24 amount of a balance on the mortgage is	24 middle portion of the 1960s is when you	
25 around 90,000?	25 moved in there?	
Page 19		
1 A. Yeah.	1 A. Oh, yeah, definitely.	Page 21
2 Q. During the course of your living	2 Q. And did you continue to own that	
3 at 1017 Bayside in Rockaway Point, New	3 home after you purchased the home on	
4 York since approximately 1991, have you	4 Bayside for a short period of time?	
5 or anyone else performed any renovations	5 A. Yes.	
6 or repairs on the home that you believe	6 Q. So, you owned two properties for	
7 caused you to come into contact with a	7 a period?	
8 product or a piece of equipment or a type	8 A. Two properties, yeah.	
9 of material you now believe contained	9 Approximately three years.	
10 asbestos?	10 Q. Around 1995 or so?	
11 A. On my present home?	11 A. I guess, yeah.	
12 Q. On your present home.	12 Q. Who did you live at 1685 East	
13 A. No, I don't think.	13 21st Street with?	
14 Q. Now, before this home where did	14 A. I have trouble recalling because	
15 you live?	15 numbers don't come back to me too quick.	
16 A. I lived in Brooklyn.	16 anymore.	
17 Q. Do you remember the address?	17 MR. FINLEY: Take your time.	
18 A. Yeah, 107 -- no, that's my --	18 Q. Well, we're talking about the	
19 1685 East 21st Street.	19 previous home that you lived you said	
20 Q. And you said that was in	20 since around the mid-1960s to around the	
21 Brooklyn, correct?	21 mid-1990s.	
22 A. Yes.	22 A. Yeah.	
23 Q. What type of home was that?	23 Q. Did you live there with your	
24 A. A Queen Anne, one-family.	24 wife?	
25 Q. One-family home?	25 A. Yeah. I always lived with my	

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1 wife. 2 Q. Did your son Douglas live there 3 as well? 4 A. Yes. 5 Q. Anyone else? 6 A. No. He still lives with me, my 7 son. 8 Q. Understood. I just want to know 9 if he lived at the previous home and he 10 did, correct? 11 A. Yeah. 12 Q. Anyone else live there? 13 A. No. My daughter lived there 14 many years before she got an apartment 15 but I think after about 20, 25 years. 16 Q. And what's your daughter's name? 17 A. Stephanie. 18 Q. During the years you resided at 19 1685 East 21st Street in Brooklyn from 20 the mid-1960s till around the mid-1990s, 21 did you or anybody else perform any 22 renovations or repairs on that home that 23 you now believe caused you to come into 24 contact with a product or a piece of 25 equipment or a type of material you now	1 Q. Was that a rental apartment? 2 A. Actually it was on 11th Avenue. 3 Q. It was near the intersection of 4 11th Avenue and 70th Street? 5 A. I remember the block where the 6 -- 11th, an apartment house. 7 Q. So, it was actually 11 -- 8 A. A small one. 9 Q. It was actually 11-67 11th 10 Avenue? 11 A. Yeah, that sounds good. 12 Q. Was that a rental apartment? 13 A. Yes. 14 Q. Did you live there with your 15 wife? 16 A. Yes. 17 Q. Did Douglas live there also? 18 A. He wasn't born yet. 19 Q. How about your daughter, was 20 she -- 21 A. She wasn't born. 22 Q. So, just your wife? 23 A. Yeah, just my wife, I had no 24 children. 25 Q. How long did you live there?
1 believe contained asbestos? 2 A. No, not that I know of. 3 Q. Do you recall where you lived 4 prior to 1685 East 21st Street in 5 Brooklyn? 6 A. Now we're getting into 7 apartments. 8 Q. Okay. 9 A. All right, I lived, I lived 10 around 64th Street and 19th Avenue. 11 Q. According to that same document 12 that you reviewed in preparation for 13 testifying here today, prior to living at 14 1685 East 21st Street you lived at 11-67 15 69th or 70th Street; does that sound 16 right? 17 A. That sounds right, I'm not sure 18 though. 19 Q. And that was an apartment? 20 A. Yes. 21 Q. And you don't recall if it was 22 on 69th or 70th, right? 23 A. I lived on 70th Street. 24 Q. And that's in Brooklyn, right? 25 A. Yeah, right.	1 A. In that apartment? Oh, I'd have 2 to guess but it wasn't long, it was 3 probably about two years. 4 Q. So, this would have been in the 5 mid-60s? 6 A. Yes, right. Because we got 7 married in '62. 8 Q. And you lived there after you 9 were married? 10 A. Yeah. 11 Q. During the approximately two 12 year period of time you lived at 11-67 13 11th Avenue in Brooklyn, New York in the 14 mid-60s, did you or anybody else perform 15 any renovations or repairs on that 16 apartment that you now believe caused you 17 to come into contact with a product or a 18 piece of equipment or a type of material 19 you now believe contained asbestos? 20 A. No, no. I was just painting 21 there. 22 Q. Just painting, okay. 23 A. Wallpaper and painting. 24 Q. And you don't think any of that 25 painting or wallpaper work caused you to

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1 come into contact with asbestos?	1 section of Brooklyn?	
2 A. I don't think so.	2 A. Yes.	
3 Q. Do you remember where you lived	3 Q. Are you okay?	
4 prior to 11-67 11th Avenue?	4 A. Yeah.	
5 A. I lived in one apartment,	5 MR. FINLEY: Just give him a	
6 six-story apartment house for about a	6 second.	
7 year but I don't know which, which end.	7 MR. WARSHAUER: Sure.	
8 Q. According to that same document	8 (Discussion held off the record)	
9 that you reviewed in preparation for	9 Q. How long did you live in your	
10 testifying here today, you lived at a	10 parents' home on 438 69th Street in the	
11 location on 66th Street and 20th Avenue	11 Bay Ridge section of Brooklyn?	
12 in Brooklyn.	12 A. I came there from Manhattan.	
13 A. That's right.	13 Q. How old were you?	
14 Q. And you think you lived there	14 A. I was probably about 6 or 7.	
15 for about a year?	15 Q. Just before World War II, right?	
16 A. Yeah.	16 A. I don't know.	
17 Q. This would have been in the	17 Q. According to that same document	
18 early 60s?	18 that you reviewed in preparation for	
19 A. Yes.	19 testifying here today, you lived at 438	
20 Q. Was this just after you were	20 69th Street in Bay Ridge from around 1940	
21 married?	21 till 1961; does that sound about right?	
22 A. Yes. This was our first	22 A. Yes. That's when I got married	
23 apartment.	23 in '61, '62.	
24 Q. And it would have been a rental	24 Q. '61.	
25 apartment, correct?	25 A. Yes.	
<hr/>		
Page 27		
1 A. Yes.	1 Q. You lived there with your	
2 Q. And you just lived there with	2 parents, correct?	
3 your wife?	3 A. Yes.	
4 A. Right.	4 Q. Brothers and sisters too?	
5 Q. During the year that you lived	5 A. Yes. Just a sister.	
6 at that rental apartment on 66th Street	6 Q. Just a sister?	
7 and 20th Avenue in Brooklyn in the early	7 A. (Nodding in the affirmative)	
8 1960s, did you or anybody else perform	8 Q. Was that an apartment?	
9 any renovations or repairs on that	9 A. Yes. Six room apartment.	
10 apartment that you now believe caused you	10 Q. Six room apartment and your	
11 to come into contact with a product or a	11 parents rented it?	
12 piece of equipment or a type of material	12 A. Yes.	
13 you now believe contained asbestos?	13 Q. During the years that you lived	
14 A. No, I don't think so.	14 at 438 69th Street in the Bay Ridge	
15 Q. Do you remember where you lived	15 section of Brooklyn from approximately	
16 prior to the rental apartment on 66th	16 1940 until 1961, did you or someone else	
17 Street and 20th Avenue?	17 perform any renovations or repairs on	
18 A. When I was still single.	18 that home that you now believe caused you	
19 Q. Where was that?	19 to come into contact with a product or a	
20 A. In Bay Ridge, 438 69th Street.	20 piece of equipment or a type of material	
21 Q. Was that your parents' home?	21 you now believe contained asbestos?	
22 A. Parents, yes.	22 A. No.	
23 Q. And that's 438 69th Street?	23 Q. And you said you moved there	
24 A. Yeah.	24 from Manhattan; is that correct?	
25 Q. And that's in the Bay Ridge	25 A. Yes.	

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Page 30	Page 32
<p>1 Q. Do you remember where you lived 2 in Manhattan with your folks when you 3 were around 5 or 6?</p> <p>4 A. Yeah, 134th Street.</p> <p>5 Q. And that's the earliest 6 residence you can recall living at?</p> <p>7 A. Yeah. I'm lucky I can get that 8 one.</p> <p>9 Q. And that was at 134th Street and 10 Amsterdam?</p> <p>11 A. Yes.</p> <p>12 Q. What type of home was that, was 13 it an apartment?</p> <p>14 A. Yeah, it was a six-story 15 apartment house, it had about five 16 apartments on each floor.</p> <p>17 Q. And you lived there with your 18 parents and your sister?</p> <p>19 A. Yeah, yeah.</p> <p>20 Q. And that would have been from 21 the time you were born in 1935 till about 22 1940?</p> <p>23 A. Not my sister because I don't 24 know if she was born yet.</p> <p>25 Q. She wasn't born yet.</p>	<p>1 Q. Your marriage to Diana, that's 2 your only marriage, right?</p> <p>3 A. Yes.</p> <p>4 Q. And it's her only marriage, 5 right?</p> <p>6 A. Huh?</p> <p>7 Q. It's her only marriage, she 8 wasn't married to anybody else before 9 you?</p> <p>10 A. No, no.</p> <p>11 Q. What's Diana's maiden name?</p> <p>12 A. Miceli.</p> <p>13 Q. Do you remember the date that 14 you and Diana were married, your 15 anniversary?</p> <p>16 A. Yeah. December 8th.</p> <p>17 Q. According to that same document 18 provided to us, you were married on 19 December 9, 1961; does that sound right?</p> <p>20 A. Yeah.</p> <p>21 MR. FINLEY: Pretty close.</p> <p>22 Q. Yes, that was pretty good.</p> <p>23 MR. FINLEY: We won't tell.</p> <p>24 THE WITNESS: I'm surprised I 25 remember so much.</p>
Page 31	Page 33
<p>1 A. Yeah.</p> <p>2 Q. So, just your parents.</p> <p>3 A. Yeah.</p> <p>4 Q. And you lived there from your 5 birth until around 1940 or '41, somewhere 6 around there?</p> <p>7 A. Yeah.</p> <p>8 Q. Do you have any present 9 recollection of any renovation or repair 10 work taking place at that location?</p> <p>11 A. No.</p> <p>12 Q. You were too young?</p> <p>13 A. Too small.</p> <p>14 Q. Apart from your military 15 service, have we now talked about all the 16 different locations you've lived in over 17 the course of your lifetime?</p> <p>18 A. Yes.</p> <p>19 Q. We're now going to talk about 20 your family a little bit, okay?</p> <p>21 A. Okay.</p> <p>22 Q. You mentioned your wife.</p> <p>23 A. Yeah.</p> <p>24 Q. What's her name?</p> <p>25 A. Diana.</p>	<p>1 Q. Has Diana ever been a smoker 2 during your marriage?</p> <p>3 A. Yes.</p> <p>4 Q. Does she still smoke?</p> <p>5 A. No.</p> <p>6 Q. When did she quit?</p> <p>7 A. Oh, I would say about fifteen 8 years, 20 years.</p> <p>9 Q. So, the early 2000s, late 10 1990s; --</p> <p>11 A. Yeah.</p> <p>12 Q. -- does that sound right, --</p> <p>13 A. Yeah.</p> <p>14 Q. -- late 90s, early 2000s?</p> <p>15 A. Early 2000s I would say.</p> <p>16 Q. And when she was smoking, what 17 type of cigarettes did she smoke; do you 18 remember?</p> <p>19 A. I know I used to smoke Pall 20 Mall.</p> <p>21 Q. That's what she smoked?</p> <p>22 A. I don't know what she smoked.</p> <p>23 Q. We'll talk about your smoking a 24 little later.</p> <p>25 A. I only know -- I smoked all of</p>

9 (Pages 30 - 33)

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<p style="text-align: right;">Page 34</p> <p>1 the brands.</p> <p>2 Q. And you're not certain the brand</p> <p>3 that she smoked?</p> <p>4 A. No.</p> <p>5 Q. Do you know how much she smoked</p> <p>6 a day?</p> <p>7 A. About a pack a day, I think we</p> <p>8 both did the same.</p> <p>9 Q. And did she smoke in the house?</p> <p>10 A. Yeah. We weren't fanatical in</p> <p>11 those days.</p> <p>12 Q. How is Diana's health today?</p> <p>13 A. Well, lately she's been having</p> <p>14 -- her blood platelets are giving her a</p> <p>15 hard time. She had a mastectomy.</p> <p>16 Q. She's been treated for breast</p> <p>17 cancer?</p> <p>18 A. Yeah, I guess she has, they</p> <p>19 removed her breast.</p> <p>20 Q. Any other type of cancer or</p> <p>21 breathing or respiratory ailments to your</p> <p>22 knowledge?</p> <p>23 A. No.</p> <p>24 Q. You said her platelets have been</p> <p>25 giving her trouble?</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Did she work for the New York</p> <p>2 City public schools or a private school?</p> <p>3 A. Public.</p> <p>4 Q. And you're not certain what she</p> <p>5 did?</p> <p>6 A. Some -- I don't know what she</p> <p>7 did, I forget.</p> <p>8 Q. That's fine. When did she stop</p> <p>9 working?</p> <p>10 A. Basically I guess as long as I'm</p> <p>11 married, after a few years of marriage</p> <p>12 she started working.</p> <p>13 Q. When did she stop?</p> <p>14 A. Oh, I don't know.</p> <p>15 Q. Has it been more than ten years?</p> <p>16 A. Oh, yeah, I think so, yeah.</p> <p>17 Q. More than 20 years?</p> <p>18 A. No, I don't know.</p> <p>19 Q. Does she receive a pension or</p> <p>20 any retirement benefits from her work?</p> <p>21 A. No.</p> <p>22 Q. Does she get Social Security?</p> <p>23 A. Yes.</p> <p>24 Q. Do you know how much she</p> <p>25 receives in Social Security?</p>
<p style="text-align: right;">Page 35</p> <p>1 A. Yeah, they're too low.</p> <p>2 Q. Has the doctor told her why her</p> <p>3 platelets are too low?</p> <p>4 A. They been giving her a hell of a</p> <p>5 time too because she can't get them up,</p> <p>6 you know. She'll get them up for a</p> <p>7 little while, they give her some drugs</p> <p>8 and they go back down.</p> <p>9 Q. Has Diana ever worked outside of</p> <p>10 the home during your marriage?</p> <p>11 A. Yes. She was working at a</p> <p>12 school, I don't know exactly what she did</p> <p>13 in the school, she wasn't a teacher.</p> <p>14 Q. In which school?</p> <p>15 A. I don't know.</p> <p>16 Q. In a school in New York City?</p> <p>17 A. Yes.</p> <p>18 Q. In Brooklyn?</p> <p>19 A. I think so, yeah.</p> <p>20 Q. You don't know what she did?</p> <p>21 A. No.</p> <p>22 Q. Was she a guidance counselor or</p> <p>23 -- she wasn't a teacher, we know that,</p> <p>24 right?</p> <p>25 A. Right, she wasn't a teacher.</p>	<p style="text-align: right;">Page 37</p> <p>1 A. I don't know, maybe 500.</p> <p>2 Q. Five hundred a month?</p> <p>3 A. Yeah.</p> <p>4 Q. Does your wife have any other</p> <p>5 source of monthly income apart from the</p> <p>6 Social Security?</p> <p>7 A. No.</p> <p>8 Q. Do you consider Diana to be</p> <p>9 financially dependent upon you for</p> <p>10 support?</p> <p>11 A. Absolutely.</p> <p>12 Q. You guys file a joint tax</p> <p>13 return?</p> <p>14 A. Yeah.</p> <p>15 MR. FINLEY: Are you okay?</p> <p>16 THE WITNESS: Yeah.</p> <p>17 Q. Do you know Diana's date of</p> <p>18 birth?</p> <p>19 A. [REDACTED] 1940.</p> <p>20 Q. Are your parents both deceased?</p> <p>21 A. Yes.</p> <p>22 Q. What was your father's name?</p> <p>23 A. Frederick.</p> <p>24 Q. Frederick?</p> <p>25 A. Yes, same as mine.</p>

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<p style="text-align: right;">Page 38</p> <p>1 Q. When did Frederick pass away? 2 A. That's a toughy. 3 Q. Okay. 4 A. I don't know when. 5 Q. According to that same document 6 that you reviewed in preparation for 7 testifying here this morning, he passed 8 away in around 1979 at the age of 76; 9 does that sound right? 10 A. That sounds good. 11 Q. Do you know what the cause of 12 his death was? 13 A. I have feeling it was TB, I'm 14 not sure. 15 Q. You said TB? 16 A. Yeah, tuberculosis. 17 Q. He had tuberculosis at some 18 point during his lifetime? 19 A. At the end there. 20 Q. Did he also have bone cancer? 21 A. I think he did too. I think 22 they misinterpreted one for the other, I 23 was never sure on that. 24 Q. So, to the best of your 25 knowledge he died from either</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. Did you ever work with him 2 there? 3 A. No. 4 Q. What did he do for Sheffield 5 Farms Milk Company in Bay Ridge? 6 A. He was delivering milk with a 7 truck and then he quit that and he just 8 took care of, took care of the horses. 9 Q. So, he was a milkman for a while 10 and then he took care of the horses? 11 A. Took care of the stable and the 12 horses, had a big place there on 60th 13 Street. 14 Q. What was your mother's name? 15 A. Laura, Laura Francis. 16 Q. When did Laura pass away? 17 A. She passed away before him, 18 about six or eight years before him. 19 Q. Was she around 81 at the time 20 that she passed? 21 A. I guess so, I don't know, I have 22 trouble adding up. 23 Q. Do you know what the cause of 24 her death was? 25 A. I should know that.</p>
<p style="text-align: right;">Page 39</p> <p>1 tuberculosis or bone cancer and you're 2 not sure which? 3 A. That would cover it. 4 Q. Was he a smoker? 5 A. Yes. 6 Q. Did he smoke cigarettes? 7 A. Yes. 8 Q. Do you know how much he smoked a 9 day? 10 A. He smoked a good pack a day. 11 Q. Do you know the brand? 12 A. Dunhill. 13 Q. Are those unfiltered? 14 A. Yes. 15 Q. Did he smoke in the family homes 16 that you lived in with him? 17 A. Yes. 18 Q. What did he do for a living? 19 A. He worked for Sheffield Farms 20 Milk Company. 21 Q. For? 22 A. Sheffield Farms. 23 Q. Where was Sheffield Farms Milk 24 Company located? 25 A. In Bay Ridge, Brooklyn.</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. Was it a heart attack? 2 A. Oh, yes, yes, yes, it is. She 3 had a heart attack in her sleep in 4 Ireland. 5 Q. She was in Ireland at the time? 6 A. Yeah. Her and my father were 7 visiting in Ireland and she had a heart 8 attack and that's it. That's the way to 9 go. 10 Q. Was your mother a smoker? 11 A. Yes. 12 Q. She smoked cigarettes? 13 A. Yeah. 14 Q. Do you know the brand? 15 A. I guess the same as my father, 16 Dunhill or Pall Mall. 17 Q. Do you know how much she smoked 18 a day? 19 A. Probably about a pack. 20 Q. Did she also smoke in the family 21 home? 22 A. Yeah. 23 Q. Did your mother also work 24 outside of the home? 25 A. Yeah.</p>

11 (Pages 38 - 41)

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	Page 42	Page 44
1	Q. What did she do?	1 Q. So, she started off as a
2	A. She was a house cleaner,	2 secretary for a lawyer and then she
3	caretaker.	3 worked for an accountant?
4	Q. Did you ever work with your	4 A. No, she became an accountant.
5	mother in any capacity?	5 Q. She became an accountant, okay.
6	A. No.	6 A. Her own business, yeah. And
7	Q. Did your mother ever suffer from	7 she's still doing that.
8	any form of cancer, breathing, lung or	8 Q. How is Stephanie's health today?
9	respiratory ailments during her lifetime?	9 A. Other than the platelets it's
10	A. No.	10 great.
11	Q. You have three children, two are	11 Q. Other than the platelets.
12	still living, correct?	12 A. Right.
13	A. Yes.	13 Q. Has Stephanie ever been
14	Q. You told me previously your	14 diagnosed with any form of --
15	daughter is Stephanie, correct?	15 A. Wait, she has diverticulitis.
16	A. Yes.	16 Q. She has diverticulitis?
17	Q. How old is Stephanie?	17 A. Yes. She's finishing up with
18	A. That's another good question.	18 surgery.
19	Q. I'm full of good questions.	19 Q. Has she ever been diagnosed with
20	MR. FINLEY: Full of good	20 any form of cancer, breathing, lung or
21	questions.	21 respiratory ailments?
22	To the best of your knowledge.	22 A. No.
23	A. My wife keeps all these things	23 Q. Is Stephanie a smoker?
24	in her head.	24 A. No.
25	MR. FINLEY: So you don't have to.	25 Q. Have you ever worked with
	Page 43	Page 45
1	Q. Let me see if I can help you.	1 Stephanie?
2	According to that same document that you	2 A. Yeah, she worked with me
3	reviewed in preparation for testifying	3 painting.
4	here today, Stephanie is about 51; does	4 Q. She did some side work painting
5	that sound about right?	5 with you?
6	A. Yeah, yeah.	6 A. Yeah, she did.
7	Q. She was born in 1966?	7 Q. She didn't like it?
8	A. That sounds good.	8 A. She loved it.
9	Q. Where does Stephanie live?	9 Q. Oh, she did like it.
10	A. She lives in -- now she lives in	10 A. She loved it. So did the
11	Breezy Point.	11 customers, she had long red hair.
12	Q. Does she live on 125 Beach 124th	12 Q. Is Stephanie in any way
13	Street?	13 financially dependent upon you?
14	A. Yes.	14 A. No, no.
15	Q. Breezy Point or Belle Harbor?	15 Q. And you have a son Douglas; is
16	A. Yeah.	16 that correct?
17	Q. Is she married?	17 A. Yes.
18	A. No.	18 Q. How old is Douglas?
19	Q. Does she have any children?	19 A. He's younger than Stephanie.
20	A. No.	20 Q. He's about 46?
21	Q. What does she do for a living?	21 A. Yeah, 46, 47.
22	A. She was a secretary, you know,	22 Q. Born in 1970?
23	she started up with a lawyer and then she	23 A. That sounds right.
24	went into business on her own,	24 Q. Where does Douglas live, he
25	accountant.	25 lives with you, right?

12 (Pages 42 - 45)

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	Page 46	Page 48
1	A. Right.	1 handles that.
2	Q. Is he married?	2 Q. You don't know, okay. Do you
3	A. No.	3 know how often he pays?
4	Q. Does he have any children?	4 A. I don't know, I don't keep up
5	A. No.	5 with that.
6	Q. What does Douglas do for a	6 Q. Your wife would know that?
7	living?	7 A. Yeah, she would know.
8	A. He just started a job working	8 Q. You have one child that's passed
9	for the post office in the airport.	9 away?
10	Before that he was just a contractor	10 A. Yes.
11	painting, did his own jobs.	11 Q. I'm sorry to hear that. What
12	Q. How is Douglas' health today?	12 was that child's name?
13	A. Oh, he's good. He's got a	13 A. David.
14	smoker's cough but that's about it.	14 Q. When did David pass away?
15	Q. He's a smoker, right?	15 A. Oh, years ago. I can't get it
16	A. Yeah.	16 down but probably about 20 years ago.
17	Q. How much does he smoke a day?	17 Q. So, around 1997 or so?
18	A. I would say a pack a day, a	18 A. Yeah.
19	little over, same thing.	19 Q. Do you know the cause of his
20	Q. Do you know the brand?	20 death?
21	A. No.	21 A. Funny how things slip out of my
22	Q. And I think you already told me	22 head.
23	that he smokes in the home?	23 Q. Was it pancreatitis?
24	A. Yeah.	24 A. Yes.
25	MR. FINLEY: Does he smoke in your	25 Q. Did he ever suffer from any form
	Page 47	Page 49
1	home?	1 of cancer to your knowledge?
2	THE WITNESS: Yes.	2 A. Not that I know of.
3	Q. Has he ever been diagnosed or	3 Q. Any breathing or respiratory
4	treated for any form of cancer or	4 ailments?
5	breathing or lung or respiratory ailment	5 A. No.
6	apart from the smoker's cough?	6 Q. Was he a smoker?
7	A. No. He was always very -- he	7 A. No.
8	doesn't smoke in front of me in the	8 Q. Did you ever work with David?
9	house, not in the house anymore.	9 A. Yeah, he worked with me for...
10	Q. Did you ever work with Douglas?	10 Q. Side work again, painting, --
11	A. Yes.	11 A. Yeah.
12	Q. Painting?	12 Q. -- roofing?
13	A. Yeah.	13 A. Yeah.
14	Q. Anywhere else?	14 Q. You mentioned you had a sister?
15	A. Yeah. Painting, roofing,	15 A. Yes.
16	leaders, gutters.	16 Q. No brothers?
17	Q. Do you consider Douglas to be	17 A. No.
18	financially dependent upon you?	18 Q. What's your sister's name?
19	A. Occasionally.	19 A. Una; U-N-A.
20	Q. Does he pay rent?	20 Q. How old is Una?
21	A. Occasionally.	21 A. She passed away.
22	Q. Occasionally pays rent. When he	22 Q. Oh, I'm sorry to hear that.
23	occasionally pays rent, how much does he	23 When did she pass away?
24	pay?	24 A. Oh, I would say, I have a rough
25	A. Oh, I don't know, my wife	25 idea, fifteen years ago.

13 (Pages 46 - 49)

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	Page 50	Page 52
1	Q. Around 2002 or so?	1 told me about, is there any history of
2	A. Yeah, I think so. You can add	2 cancer, breathing, lung or respiratory
3	better than me.	3 ailments within your family?
4	Q. What was the cause of her death?	4 A. No.
5	A. Now I need my wife.	5 Q. To your knowledge have any of
6	Q. And again, if you don't know	6 your relatives ever filed an
7	just tell me you don't know.	7 asbestos-related lawsuit?
8	MR. FINLEY: If you don't remember	8 A. No.
9	it --	9 Q. How far did you go in school?
10	Q. That I don't have in my little	10 A. One year of college.
11	document here, I don't know what the	11 Q. And what college was that?
12	cause of her passing was, I don't have	12 A. University of Maryland.
13	that. You don't know what the cause of	13 Q. University of?
14	her passing was?	14 A. Maryland.
15	A. No.	15 Q. In College Park?
16	Q. Do you know if she ever suffered	16 A. Yeah.
17	from any form of cancer, breathing, lung	17 Q. What did you study during that
18	or respiratory ailments?	18 one year?
19	A. No.	19 A. I did a mail-in course.
20	Q. What did she do for a living?	20 Q. You weren't actually physically
21	A. She worked for a bank.	21 there, it was like a correspondence
22	Q. Did you ever work with her?	22 thing?
23	A. No.	23 A. No, no. I attended the,
24	Q. Other than your children did you	24 attended the -- completed tests and
25	ever have occasion to work with any other	25 everything and they send it back.
	Page 51	Page 53
1	relatives for pay, uncles, aunts,	1 Q. And what did you study?
2	cousins?	2 A. I think psychology.
3	A. Did I have?	3 Q. Did you graduate high school?
4	Q. Yes. Did you ever work with any	4 A. Yes.
5	other relatives other than your children?	5 Q. What high school did you
6	A. Yes, my nephew.	6 graduate?
7	Q. What was his name?	7 A. Fort Hamilton High School.
8	A. Keith McDermott.	8 Q. Do you remember the year you
9	Q. McDermott?	9 graduated?
10	A. Yeah.	10 A. Yeah. I can get that one up,
11	Q. Where did you work with Keith	11 '58, '55...
12	McDermott?	12 Q. Do you know approximately how
13	A. All around Brooklyn.	13 old you were when you graduated?
14	Q. Same type of work, side work,	14 A. Yeah, 18, 19.
15	painting, roofing?	15 Q. So, it was around '53 or '54 you
16	A. Right.	16 think you graduated?
17	Q. What years was this?	17 A. '53 that was, that was it.
18	A. Oh, you're going to have to -- I	18 Q. Any other formal education other
19	don't have that one.	19 than the one year that you did the
20	Q. Was this during the 60s or 70s?	20 correspondence type coursework through
21	A. In the 60s I guess.	21 the University of Maryland, any other
22	Q. Anybody else other than your	22 education?
23	children and your nephew Keith McDermott?	23 A. No.
24	A. No, no relatives.	24 Q. Any vocational or trade school?
25	Q. Other than what you've already	25 A. No.

14 (Pages 50 - 53)

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<p>1 Q. Have you ever been convicted of 2 any criminal offense other than a minor 3 thing like a traffic ticket?</p> <p>4 A. No.</p> <p>5 MR. WARSCHAUER: Do you want to 6 take a break?</p> <p>7 MR. FINLEY: Yes, let's take about 8 ten minutes, stretch your legs a little 9 bit.</p> <p>10 THE WITNESS: Whatever you want to 11 do.</p> <p>12 Q. Sir, we're going to take a break 13 and then come back and talk about your 14 military service.</p> <p>15 (Whereupon, at 11:05 A.M., a short 16 recess was taken)</p> <p>17 (Back on the record at 11:36 A.M.)</p> <p>18 Q. Sir, we're back on the record 19 after a break, are you able to continue 20 with your testimony?</p> <p>21 A. Yeah, sure.</p> <p>22 Q. When you were still in high 23 school, did you have occasion to hold any 24 part-time or full-time employment?</p> <p>25 A. Part-time.</p>		<p>1 A. Yes.</p> <p>2 Q. Sir, do you have any reason to 3 believe you would have come into contact 4 with any product or material or type of 5 equipment that you now believe may have 6 contained asbestos in connection with 7 those three years you spent working as a 8 delivery boy for the 69th Street market 9 in Brooklyn?</p> <p>10 A. No.</p> <p>11 Q. Did you hold any other 12 employment while you were in high school?</p> <p>13 A. Yeah. Move across the street to 14 a meat market, starting delivering meat.</p> <p>15 Q. What was the name of the meat 16 market?</p> <p>17 A. Can't remember.</p> <p>18 Q. Was it on 69th Street?</p> <p>19 A. Third Avenue and 69th but on 20 Third.</p> <p>21 Q. So, a meat market on Third 22 Avenue and 69th; --</p> <p>23 A. Yeah.</p> <p>24 Q. -- is that correct?</p> <p>25 A. Yes.</p>
		Page 57
<p>1 Q. What's the first job you can 2 recall holding in your lifetime, the 3 first thing you ever did?</p> <p>4 A. Delivery boy in a grocery store.</p> <p>5 Q. A grocery store and you were a 6 delivery boy?</p> <p>7 A. Yeah.</p> <p>8 Q. Do you remember the name of the 9 store?</p> <p>10 A. 69th Street market.</p> <p>11 Q. How old were you when you worked 12 there?</p> <p>13 A. Fifteen I think.</p> <p>14 Q. And that was in Brooklyn?</p> <p>15 A. Yes.</p> <p>16 Q. How long did you work at the 17 69th Street market in Brooklyn?</p> <p>18 A. It was a part-time job until I 19 finished high school.</p> <p>20 Q. So, that would have been from 21 around 1950 to '53, somewhere around 22 there?</p> <p>23 A. Yeah, about three years.</p> <p>24 Q. About three years and you 25 delivered groceries?</p>		<p>1 Q. And did you start working there 2 just before you graduated high school?</p> <p>3 A. About two years before I 4 graduated.</p> <p>5 Q. So, that would have been around 6 '51 or so?</p> <p>7 A. Yeah.</p> <p>8 Q. And once again you were a 9 delivery boy?</p> <p>10 A. Yeah.</p> <p>11 Q. Any reason to believe you came 12 into contact with any product or material 13 or type of equipment that you now believe 14 contained asbestos in connection with the 15 two years you spent working at the meat 16 market on Third Avenue and 69th Street?</p> <p>17 A. No.</p> <p>18 Q. Anywhere else you can recall 19 working during high school?</p> <p>20 A. No.</p> <p>21 Q. So, you graduated high school to 22 the best of your recollection around June 23 of '53, somewhere around there?</p> <p>24 A. Yeah.</p> <p>25 Q. I take it you found a job after</p>

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1 you graduated?
 2 A. Yeah.
 3 Q. Where did you go to work?
 4 A. United Vari-Crafts.
 5 Q. United?
 6 A. Vari; V-A-R-I, dash, Crafts.
 7 Q. United Vari-Crafts?
 8 A. Yeah. That was on 9th Street
 9 and Seventh and Eighth Avenue I believe.
 10 Q. 9th Street and Eighth Avenue in
 11 Brooklyn?
 12 A. Yes.
 13 Q. You think you started working
 14 there in '53, --
 15 A. Yeah.
 16 Q. -- somewhere around there?
 17 A. Yeah, yeah, just when I
 18 graduated.
 19 Q. How long did you work at United
 20 Vari-Crafts?
 21 A. Oh, for a few years and then...
 22 Q. So, '53 to '54 or '55?
 23 A. Yeah. Then I went to the navy
 24 yard.
 25 Q. What type of business was United

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Page 60

1 A. Yeah.
 2 Q. -- do you have any reason to
 3 believe you would have come into contact
 4 with any product or material or type of
 5 equipment that you now believe may have
 6 contained asbestos?
 7 A. No.
 8 Q. Was the sheet metal shop that
 9 you worked in, was it a factory-type
 10 setting or factory-type shop?
 11 A. Well, they manufactured letters
 12 and stuff, all different types of 6 foot
 13 letters.
 14 Q. Right. Did you notice the
 15 presence of any insulated or overhead
 16 piping within the confines of the work
 17 area at this location?
 18 A. No, no.
 19 Q. And you said the next place you
 20 went to, you went into the navy yard?
 21 A. After sheet metal, yeah, yeah.
 22 Q. There's a couple of other
 23 companies that I want to ask you about
 24 that are listed in your Answers to
 25 Interrogatories, I just want to ask you

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1 Vari-Crafts?
 2 A. They made signs, all different
 3 types of Plexiglass signs and stainless
 4 steel signs and galvanized signs. They
 5 made signs for John Barley (phonetic), I
 6 don't know if you ever heard of them.
 7 Q. What were you hired as?
 8 A. A sheet metal mechanic.
 9 Q. So, you were a sheet metal
 10 mechanic for a company that made signs?
 11 A. Yeah.
 12 Q. Did you have to join a union?
 13 A. No. You had a union but it was
 14 a fugazi union, like, it was nothing.
 15 Q. Were you a member?
 16 A. Yeah, but I didn't pay for it.
 17 Q. It wasn't a real union?
 18 A. No, I don't think so.
 19 Q. Did it have a local number or
 20 no?
 21 A. No, no. Couple of local strong
 22 arms.
 23 Q. During the period of time that
 24 you worked for United Vari-Crafts on 9th
 25 Street and Eighth Avenue in Brooklyn, --

1 if you ever recall working for these
 2 companies.
 3 Did you ever work for a company
 4 known as E.D. Rakison Sheet Metal shop?
 5 A. Yes.
 6 Q. Was that before or after United
 7 Vari?
 8 A. That was United Vari.
 9 Q. So, United Vari is the same
 10 company --
 11 A. Yeah.
 12 Q. -- as E.D. Rakison?
 13 A. Right, yeah. He owned that
 14 company.
 15 Q. You called it United Vari?
 16 A. Yeah.
 17 Q. Were you paid on or off the
 18 books for your work?
 19 A. On the books.
 20 Q. So, if we looked at your Social
 21 Security earning statement, this work
 22 would appear on it?
 23 A. I assume so, yeah.
 24 Q. Do you remember the name that
 25 appeared on your checks when you were

16 (Pages 58 - 61)

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Page 62	Page 64
1 paid every week?	1 Union Street and Seventh Avenue location?
2 A. No.	2 A. I think until I went into the
3 Q. Would it have been United Vari	3 service.
4 or would it have been E.D. Rakison Sheet	4 Q. So, this would have been from
5 Metal?	5 '55 throughout the remainder of the 50s?
6 A. I don't know.	6 A. Yeah. From '55 to '58 or --
7 Q. You don't know?	7 Q. Well, we'll get to your service
8 A. I don't know.	8 in a little while.
9 Q. But United Vari-Crafts is the	9 A. I think, I might be overlapping
10 same company or entity as E.D. Rakison?	10 a few years.
11 A. Right.	11 Q. You think you worked at United
12 Q. Did you also work for E.D.	12 Vari on Union Street and Seventh Avenue
13 Rakison at a location on Union Street and	13 for three or four years?
14 Fifth Avenue?	14 A. I think so, yeah.
15 A. That was before, it was before	15 Q. And were you also a sheet metal
16 Union Street and Eighth Avenue.	16 mechanic at that location?
17 Q. That's the same --	17 A. Yes.
18 A. Same company.	18 Q. Did you do the same work at the
19 Q. You had mentioned 9th Street and	19 Union Street and Seventh Avenue location
20 Eighth Avenue, it was previously on Union	20 that you had previously done on the 9th
21 Street and Eighth Avenue?	21 Street and Fifth Avenue location?
22 A. (No verbal response given)	22 A. Yes.
23 Q. In other words, you told me	23 Q. You were making signs?
24 United Vari was on 9th Street and Eighth	24 A. Yup.
25 Avenue in Brooklyn.	25 Q. Were you operating any
Page 63	
1 A. Yeah, that was -- we went from	1 machinery?
2 the sheet metal shop on Fifth Avenue	2 A. No, not really.
3 between 8th and 9th to a sheet metal shop	3 Q. How would you go about making or
4 on Union Street between 7th and 8th, two	4 fabricating the signs?
5 different shops.	5 A. Well, actually what it was, we
6 Q. The first shop, where was it	6 use brakes for bending the sheet metal
7 located?	7 and shears for cutting.
8 A. On 9th Street and Fifth Avenue.	8 Q. You used shears?
9 Q. 9th Street and Fifth Avenue?	9 A. Yeah. A full length shear, you
10 A. Yes.	10 know, like an 8 foot shear.
11 Q. And how long did you work at	11 Q. During the course of the three
12 that location?	12 or four years you spent working at the
13 A. Only about a year and a half.	13 shop on Union Street and Seventh Avenue
14 Q. So, that would have been around	14 for United Vari, do you have any reason
15 '53 to '54 or '55?	15 to believe you either worked directly
16 A. Yeah, yeah.	16 with or around any product or material or
17 Q. And then where did the shop go	17 type of equipment that you now believe
18 after that?	18 contained asbestos?
19 A. That went to Union Street and	19 A. No.
20 Seventh and Eighth Avenue. Same company,	20 Q. Did you also work for United
21 same avenue, they just moved the whole	21 Vari or E.D. Rakison at a location in
22 shop.	22 Freeport?
23 Q. Union Street and Seventh Avenue?	23 A. Yes.
24 A. Yes.	24 Q. Was that after the Union Street
25 Q. And how long did you work at the	25 and Seventh Avenue --

17 (Pages 62 - 65)

<p style="text-align: right;">Page 66</p> <p>1 A. Yes.</p> <p>2 Q. -- location? Was it still known 3 as United Vari?</p> <p>4 A. Yes.</p> <p>5 Q. How long did you work at the 6 Freeport location?</p> <p>7 A. Between two and three years I 8 guess.</p> <p>9 Q. This would have been in the late 10 50s?</p> <p>11 A. Yeah. Not too late because I 12 joined the service in '55.</p> <p>13 Q. Well, according to the 14 information we've been provided, you 15 joined the service, which we'll get to in 16 a little bit, in '59.</p> <p>17 A. Yeah.</p> <p>18 Q. Is that correct or was it 19 earlier than that?</p> <p>20 A. I don't know, get my bearings on 21 that one.</p> <p>22 Q. How old were you when you joined 23 the service?</p> <p>24 A. Things are getting muddled.</p> <p>25 MR. FINLEY: Take your time, take</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. I understand this is a long time 2 ago and you may be a little off on the 3 dates but does that sound about right?</p> <p>4 A. Yeah.</p> <p>5 Q. Were you still a sheet metal 6 mechanic for United Vari at the Freeport 7 location?</p> <p>8 A. Yes.</p> <p>9 Q. What were you doing at the 10 Freeport location for United Vari?</p> <p>11 A. Making signs, the Bulova 12 company, watch company.</p> <p>13 Q. For the Bulova watch company?</p> <p>14 A. Yeah. And it was a big name at 15 the time.</p> <p>16 Q. Were you still bending sheet 17 metal with the shears?</p> <p>18 A. Yeah. Bending the sheet metal 19 with the brake, brake they call it.</p> <p>20 Q. What do they call it?</p> <p>21 A. Brake, brake, the sheet metal 22 brakes; B-R-A-K-E.</p> <p>23 Q. During the year or two you 24 worked as a sheet metal mechanic for 25 United Vari at the Freeport location</p>
<p style="text-align: right;">Page 67</p> <p>1 your time.</p> <p>2 Q. It's just what you can recall.</p> <p>3 A. '53 or '55 was...</p> <p>4 Q. In other words, you graduated 5 high school around '53.</p> <p>6 A. Right, as far as the zeroing in.</p> <p>7 Q. You worked for United Vari on 8 9th Street and Fifth Avenue from around 9 '53 to '55, somewhere around there; does 10 that sound about right?</p> <p>11 A. Yeah.</p> <p>12 Q. Then you moved to the United 13 Vari location on Union Street and Seventh 14 Avenue for about two years from '55 to 15 '57.</p> <p>16 A. Yes.</p> <p>17 Q. Then you went to United Vari in 18 Freeport from around '58 to '59, 19 somewhere around there; does that sound 20 right?</p> <p>21 A. Yeah. Then I went to the navy 22 yard after that.</p> <p>23 Q. Right. And then you joined the 24 service.</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 69</p> <p>1 around '58 to '59, do you have any reason 2 to believe you either worked directly 3 with or around any product or material or 4 type of equipment that you now believe 5 contained asbestos?</p> <p>6 A. No.</p> <p>7 Q. Did you notice the presence of 8 any insulated or overhead piping at the 9 Freeport location?</p> <p>10 A. No.</p> <p>11 Q. And after you worked at the 12 Freeport location, you went and worked at 13 the navy yard for a period of time?</p> <p>14 A. Yes.</p> <p>15 Q. You think that was around '59 or 16 so, late 50s?</p> <p>17 A. Yeah -- I don't think -- I can't 18 get a base year.</p> <p>19 MR. FINLEY: Take your time.</p> <p>20 Q. How did you come to be employed 21 at the Brooklyn Navy Yard?</p> <p>22 A. I went down there looking for a 23 job and I took a test.</p> <p>24 Q. And were you an employee of the 25 United States government?</p>

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1 A. No.	1 duties and responsibilities?
2 Q. Who were you employed by?	2 A. Grinding down the metal, making
3 A. Oh, I don't know who I was	3 sure it fitted into where it's supposed
4 employed by.	4 to go in the joints.
5 Q. You weren't working for a	5 Q. And what were you grinding down
6 contractor at the Brooklyn --	6 metal for; in other words, what was the
7 A. No.	7 metal going to be used for?
8 Q. -- Navy Yard, --	8 A. To support different walls.
9 A. No.	9 Q. In other words, where would the
10 Q. -- you were working for the	10 metal go after you ground it down?
11 government, right?	11 A. Going up the hull of the
12 A. Yeah, I think.	12 bulkhead inside the ship.
13 Q. How long did you work at the	13 Q. But you weren't working in the
14 Brooklyn Naval Shipyard?	14 ship at this time, you were working in
15 A. Oh, I think about two years,	15 shop 17.
16 three years, I don't know.	16 A. In the shop making parts for the
17 Q. According to the information	17 ship, then later on it went out.
18 we've been provided, you worked there	18 Q. And then someone would
19 from approximately 1959 until 1961 or	19 subsequently bring the parts you made or
20 '62; does that sound about right?	20 fabricated onto the ship?
21 A. Yeah, right on the money.	21 A. Yes.
22 Q. And what were you hired as?	22 Q. What would you use to grind down
23 A. Sheet metal worker, sheet metal	23 the metal that would become the bulkhead?
24 mechanic.	24 A. Just a stone, a regular stone.
25 Q. Where were you working at the	25 Q. What were your hours working at
Page 71	
1 Brooklyn Naval Shipyard?	1 the sheet metal shop?
2 A. Well, I started off in the sheet	2 A. Eight to five.
3 metal shop.	3 Q. Eight A.M. to five P.M.?
4 Q. How long did you work in the	4 A. Yeah. Or nine to five.
5 sheet metal shop?	5 Q. During the eight to nine months
6 A. For about six to -- about eight,	6 you worked in sheet metal shop 17 at the
7 nine months.	7 Brooklyn Naval Shipyard as a sheet metal
8 Q. Was it called the sheet metal	8 mechanic in approximately 1959, do you
9 shop or was it called --	9 have any reason to believe you either
10 A. Yeah.	10 worked directly with or around any
11 Q. -- something else?	11 product or material or type of equipment
12 A. Shop 17.	12 you now believe contained asbestos?
13 Q. So, sheet metal shop number	13 A. I don't know about that, I don't
14 17 --	14 know what type of metals they brought in
15 A. Yeah.	15 there.
16 Q. -- at the Brooklyn Naval Yard?	16 Q. Did you work directly with any
17 A. Correct.	17 type of material that you think may have
18 Q. Did you have a supervisor or a	18 contained asbestos when you were working
19 person you reported to?	19 in shop 17?
20 A. Yes.	20 A. No, I don't think so. Might
21 Q. Do you remember his or her name?	21 have been because I had all the things we
22 A. If I heard it I would know it.	22 made in there.
23 Q. During those eight to nine	23 Q. And what sort of things did you
24 months that you were working in shop	24 make?
25 number 17, what were your day-to-day	25 A. Made parts for bulkhead walls,

19 (Pages 70 - 73)

1 put it in. Architects would sketch it
2 out and blow it up and we'd build it.
3 Q. Do you remember the names of any
4 of the parts or materials that you were
5 making or fabricating?
6 A. Parts were...
7 MR. FINLEY: Do you understand his
8 question?
9 THE WITNESS: No.
10 A. You want to know the materials I
11 used?
12 Q. Yes. Do you know the names of
13 any of the parts or materials that you
14 were making or fabricating?
15 A. Yeah. I used joint compound.
16 Q. You used that at the sheet metal
17 shop?
18 A. Yeah, sometimes.
19 Q. Why would you use joint compound
20 in the sheet metal shop?
21 A. I'm getting confused.
22 MR. FINLEY: Take your time, think
23 about his question. He's talking about
24 your time period in shop 17.
25 THE WITNESS: Yeah.

1 A. I can't --
2 Q. You have to listen to the
3 question.
4 MR. FINLEY: You have to let him
5 finish.
6 Q. While you were in shop 17 during
7 that eight to nine month period of time,
8 do you have a present recollection of
9 using joint compound?
10 A. I don't know. No, I can't
11 really zero in, I can't definitely say.
12 Q. What do you recall using in the
13 sheet metal shop?
14 A. Well, I was using the grinding
15 tools and making bulkhead walls.
16 Q. So, you used grinding tools to
17 make bulkhead walls?
18 A. Yeah. And I would chip the slag
19 off the wrought iron that was going into
20 the bulkhead walls, the slag would be
21 burnt.
22 Q. Do you have any reason to
23 believe that any of the materials or
24 products you were using in the sheet
25 metal shop contained asbestos?

1 Q. Did you use joint compound in
2 shop 17?
3 A. That was the sheet metal shop I
4 worked in. Yeah, well, I definitely used
5 -- I must have used it there.
6 Q. Well, you're working as a sheet
7 metal mechanic in shop 17 at the Brooklyn
8 Naval Shipyard for approximately eight to
9 nine months in 1959, correct?
10 A. Okay, it's coming back to me.
11 When I was to work on the ship --
12 Q. I'm not there yet, I'm only
13 taking about the eight to nine months you
14 were in the sheet metal shop.
15 A. I don't know if I physically
16 used the joint compound on the ship or in
17 the shop, I don't know which.
18 Q. As you sit here right now, do
19 you have a specific or a present
20 recollection of using joint compound when
21 you were in shop 17?
22 A. On the ship.
23 Q. I'm not talking about on the
24 ship. While you were in shop 17 during
25 that eight to nine --

1 A. That I don't know, I don't know
2 because I had so many materials.
3 Q. Do you work around any other
4 workers or trades that you think may have
5 been using asbestos while you were
6 working in sheet metal shop number 17?
7 A. Oh, yeah. They could have been
8 using, I don't know. There was 20 guys
9 in there working.
10 Q. And what other types of trades
11 or workers were working in the shop with
12 you?
13 A. They were working -- I don't
14 know if they were actually -- they were
15 all doing sheet metal work or what, I
16 don't know.
17 Q. Were there other workers doing
18 the same work that you were doing?
19 A. Yes, yes, there were.
20 Q. Were there any other trades that
21 were doing different work than you were
22 doing?
23 A. No, not --
24 Q. Not in the sheet metal shop.
25 A. No. You zeroed it down to the

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1 sheet metal shop.
 2 Q. So, it was just other workers
 3 doing the same type of work that you were
 4 doing?
 5 A. Yeah.
 6 Q. So, you worked in shop 17 for
 7 about eight to nine months in 1959?
 8 A. Yeah.
 9 Q. Then did you wind up going onto
 10 a ship?
 11 A. Yes.
 12 Q. What ship did you subsequently
 13 work on while you were at the Brooklyn
 14 Naval Yard?
 15 A. I was on the Constellation.
 16 Q. Do you remember when you first
 17 started working on the Constellation?
 18 A. No. I know it was after the
 19 fire.
 20 Q. Do you remember how long you
 21 worked on the Constellation?
 22 A. I would guess about a year.
 23 Q. And you think it was after the
 24 fire because from what I understand about
 25 history, there was a fire at some point

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1 used to do a lot of odd jobs. I put in
 2 all the fixtures in the bathrooms, soap
 3 dishes and all of that stuff.
 4 Q. So, installing fixtures in the
 5 bathrooms, --
 6 A. Yeah.
 7 Q. -- soap dishes, anything else?
 8 A. No. Half a dozen things, I just
 9 can't remember them.
 10 MR. FINLEY: Take your time.
 11 Q. You mentioned fixtures in the
 12 bathroom, you mentioned soap dishes,
 13 anything else that you can recall
 14 installing during that year you were on
 15 the Constellation?
 16 A. Just did some welding on there
 17 too.
 18 Q. What type of welding were you
 19 doing?
 20 A. I was welding part of the
 21 bulkhead walls, I even weld -- I was
 22 steel welding, then I did aluminum
 23 welding.
 24 Q. So, aluminum and steel welding?
 25 A. Yeah. That was with an inner

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1 on the USS Constellation while the ship
 2 was being constructed, correct?
 3 A. Yes.
 4 Q. And you were there after that?
 5 A. Yes. We still got smoke in
 6 areas, hot spots, we nearly lost the
 7 ship.
 8 Q. What was your title or
 9 classification when you were working on
 10 the Constellation?
 11 A. Sheet metal mechanic.
 12 Q. So, you were still a sheet
 13 metal --
 14 A. Not a helper, I still had a
 15 couple of guys working under me.
 16 Q. So, you were still a sheet metal
 17 mechanic during that one year period of
 18 time you were working on the
 19 Constellation?
 20 A. Yes.
 21 Q. What were your day-to-day duties
 22 and responsibilities as a sheet metal
 23 mechanic during that one year you were
 24 working on board the ship?
 25 A. Well, I used to install -- I

1 cast, the aluminum.
 2 Q. So far I have installing
 3 fixtures in the bathrooms, soap dishes,
 4 welding work on the bulkhead walls and
 5 aluminum and steel welder; is that
 6 correct?
 7 A. Yeah.
 8 Q. Anything else that you did
 9 during that year you were a sheet metal
 10 mechanic?
 11 A. So funny because there's so much
 12 in there, I can't remember that.
 13 Q. Again, it's just what you
 14 presently recall. Is there anything else
 15 you presently recall doing during that
 16 year you were a sheet metal mechanic on
 17 board the Constellation?
 18 A. No.
 19 Q. The Constellation was still
 20 being constructed or built, correct?
 21 A. Yeah. We were cut out and
 22 digging all the bad parts out and then
 23 putting them back.
 24 Q. Earlier you had mentioned joint
 25 compound, did you use joint compound when

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<p>1 you were on the Constellation?</p> <p>2 A. Yeah, I must have been using it</p> <p>3 in the rooms, there was a lot involved in</p> <p>4 the rooms.</p> <p>5 Q. When you say the rooms, you're</p> <p>6 talking about different rooms or areas on</p> <p>7 board the Constellation?</p> <p>8 A. On board the Constellation, yes.</p> <p>9 Q. What were you doing in those</p> <p>10 rooms or those areas in the rooms?</p> <p>11 A. Clean them up, putting up the</p> <p>12 walls. After we put up sheetrock in some</p> <p>13 of the rooms.</p> <p>14 Q. You erected sheetrock?</p> <p>15 A. Yeah.</p> <p>16 Q. And is that where you would use</p> <p>17 joint compound?</p> <p>18 A. Yeah.</p> <p>19 Q. During the course of the year</p> <p>20 you worked on the USS Constellation at</p> <p>21 the Brooklyn Naval Shipyard in</p> <p>22 approximately 1960, do you have any</p> <p>23 reason to believe you either worked</p> <p>24 directly with or around any product or</p> <p>25 material or type of equipment that you</p>	<p>1 sheetrock?</p> <p>2 A. Yeah.</p> <p>3 Q. So, you would put up the</p> <p>4 sheetrock on the wall and then you would</p> <p>5 use the joint compound how?</p> <p>6 A. Yes.</p> <p>7 Q. How would you use it?</p> <p>8 A. We would take a 6 inch trowel</p> <p>9 and a smaller trowel to put it on.</p> <p>10 Q. And where would you apply it?</p> <p>11 A. Right on top of the sheetrock</p> <p>12 and then with the tape.</p> <p>13 Q. You would apply it directly onto</p> <p>14 the sheetrock?</p> <p>15 A. The first coat.</p> <p>16 Q. It was directly onto the</p> <p>17 sheetrock?</p> <p>18 A. Yeah.</p> <p>19 Q. How would you erect the</p> <p>20 sheetrock; in other words, how would you</p> <p>21 put up the sheetrock?</p> <p>22 A. I had a couple of helpers there.</p> <p>23 Q. And how would you affix the</p> <p>24 sheetrock?</p> <p>25 A. With rivets.</p>
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<p>1 now believe contained asbestos?</p> <p>2 (All defendants object)</p> <p>3 A. Well, I could have been, could</p> <p>4 have been doing that, yeah.</p> <p>5 Q. When you say you could have been</p> <p>6 doing that, what do you mean by that?</p> <p>7 A. Easy enough for me to say it I</p> <p>8 guess that I was using joint compound and</p> <p>9 I know the joint compound that was</p> <p>10 asbestos.</p> <p>11 Q. Did anyone ever tell you the</p> <p>12 joint compound you used while you were</p> <p>13 working as a sheet metal mechanic on</p> <p>14 board the Constellation contained</p> <p>15 asbestos?</p> <p>16 A. I don't think so.</p> <p>17 Q. How did the joint compound come</p> <p>18 packaged?</p> <p>19 A. In metal containers.</p> <p>20 Q. And how would you use the joint</p> <p>21 compound?</p> <p>22 A. Well, put up with the tape and</p> <p>23 that was all.</p> <p>24 Q. Did you use the joint compound</p> <p>25 in connection with erecting or putting up</p>	<p>1 Q. And you would rivet it directly</p> <p>2 to the wall?</p> <p>3 A. Yeah, to the beams.</p> <p>4 Q. To the beams?</p> <p>5 A. The metal beams.</p> <p>6 Q. Do you remember where on the</p> <p>7 Constellation you did this work?</p> <p>8 A. I got lost on the Constellation</p> <p>9 two or three times and only for an hour</p> <p>10 or two.</p> <p>11 Q. Do you remember where on the</p> <p>12 Constellation you erected the sheetrock</p> <p>13 and used the joint compound?</p> <p>14 A. When I -- if I was working</p> <p>15 there, now I can tell you the exact room</p> <p>16 but now I don't know, there's 3,000</p> <p>17 compartments in that.</p> <p>18 Q. So, it was one of the</p> <p>19 compartments below deck?</p> <p>20 A. Yeah, oh, yeah.</p> <p>21 Q. Do you know the brand, trade or</p> <p>22 manufacturer's name of any of the</p> <p>23 sheetrock you erected?</p> <p>24 A. Yeah. Give me a couple of names</p> <p>25 to refresh my memory.</p>

22 (Pages 82 - 85)

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1 Q. Well, I can't give you any names 2 to refresh your recollection. Do you 3 know who manufactured any of the 4 sheetrock that you erected on the 5 Constellation?	1 A. Plumbers I guess. 2 Q. And what were these plumbers 3 ripping insulation off of? 4 A. The pipes going to... 5 Q. This is associated piping?
6 A. Yeah, I heard the names before 7 but my short-term memory is very bad. 8 But it's very common, USA Gypsum -- they 9 were very common, they were so common 10 that I wouldn't even remember them.	6 A. Yes. 7 Q. What were the pipes running to 8 or from? 9 A. I forget. It was a -- I don't
11 Q. You just mentioned the name USA 12 Gypsum, do you think that was one of the 13 companies that made the sheetrock?	10 know, I guess it was the boiler. 11 Q. Where on the Constellation were 12 you doing this work?
14 A. Just can't remember what it was, 15 US...	13 A. I worked mostly mid-ship but 14 where that was, I don't know.
16 MR. FINLEY: Take your time. 17 A. I know I remember walking out 18 the door.	15 Q. How would you and these other 16 men rip off this insulation from the 17 associated piping?
19 MR. FINLEY: Take your time, 20 Frank.	18 A. Whatever tools we had. 19 Q. And what tools did you use? 20 A. Sheetrock knives, it was all
21 A. I don't remember, I just can't 22 grasp it. It's very common, it's a 23 common name.	21 cuttable. 22 Q. Sheetrock knives because it was 23 all cuttable?
24 Q. You also mentioned joint 25 compound that came in metal containers;	24 A. Yeah. 25 Q. Do you know the brand, trade or
1 is that correct? 2 A. Yes. 3 Q. Do you know who made any of the 4 joint compound you used while you were 5 erecting the sheetrock? 6 (All defendants object) 7 A. The names of -- I can't remember 8 the names, no. US Gypsum -- I don't 9 know. 10 Q. Did you personally handle or use 11 any other product or material or type of 12 equipment that you now believe may have 13 contained asbestos in connection with the 14 period of time you were working as a 15 sheet metal mechanic during the 16 construction of the USS Constellation at 17 the Brooklyn Naval Shipyard in 18 approximately 1960? 19 A. I helped other guys to rip off 20 the insulation that goes around the 21 pipes, they were friends of mine in 22 there. 23 Q. What trade of worker were these 24 friends that you helped rip off 25 insulation?	1 manufacturer's name of any of that 2 insulation you and these other men ripped 3 off the associated piping? 4 A. That's what I can't remember. 5 Q. What did the insulation around 6 the associated piping look like? 7 A. Looked like white pipe, it was 8 white and, like, in a cloth. Oh, they 9 mixed it with water or something too. 10 Q. Now, once it was already on the 11 pipe, it was a cloth-like material? 12 A. Yeah. 13 Q. Was there also a material that 14 had to be mixed with water before it was 15 applied? 16 A. Yes. 17 Q. Did you use this material? 18 A. Yeah, I helped them with it. 19 Q. Did you help them mix it, help 20 them apply it or both? 21 A. Both, both. 22 Q. Do you know the brand, trade or 23 manufacturer's name of any of this mixed 24 material that you mixed up before you had 25 to apply it?

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1 A. If I hear it I'll know it but I 2 don't.	1 think you may have done on the USS 2 Constellation during the year that you 3 worked on it in approximately 1960 that 4 you think may have caused you to come 5 into contact with asbestos?	
3 Q. How would that mixed material be 4 applied?	6 A. Well, asbestos came in sheets, 7 different forms, softer and the sheets 8 and pipe covering. But for instance, 9 when we had a lunch break, I'd take a 10 break and lay down on top of these sheets 11 and that was all -- or sheetrock, I don't 12 know if it was sheetrock or what but I 13 know it was itchy as hell.	
5 A. By hand.	14 Q. So, you laid down on top of 15 these sheets during your lunch hour.	
6 Q. And what would you apply it to?	16 A. Yeah, on top of the insulation.	
7 A. The pipes.	17 Q. Was this sheetrock or was this 18 some other type of material?	
8 Q. You applied it directly to the 9 pipes by hand?	19 A. I don't think -- no, it wasn't 20 sheetrock, it wasn't hard like sheetrock. 21 It was pliable but it used to itch after 22 a while.	
10 A. Yeah. And wrapped it, I think. 11 there was a cloth that went over it.	23 Q. How long were these sheets that 24 you would lie down on during your lunch 25 break?	
12 Q. It was a cloth and then you 13 applied the mixed material on top of the 14 cloth?		Page 93
15 A. Yeah. It went through the 16 cloth.	1 A. Oh, they were different lengths 2 according to the bulkhead.	
17 Q. And you don't know the make or 18 manufacturer of any of that mixed 19 material?	3 Q. Did you ever install any of 4 these sheets?	
20 A. No, I don't know but I used a 21 spackle on that I think.	5 A. Yeah.	
22 Q. Do you remember how the mixed 23 material came packaged?	6 Q. You did that work on the 7 Constellation?	
24 A. No.	8 A. Yeah.	
25 Q. Did you personally handle any	9 Q. How would you go about 10 installing the sheets?	
	11 A. I don't know if we used rivets 12 there or...	
Page 91	13 Q. You would install this sheetrock 14 with rivets --	
1 other material you think may have 2 contained asbestos in connection with the 3 one year you spent working as a sheet 4 metal mechanic during the initial 5 construction of the Constellation at the 6 Brooklyn Naval Shipyard?	15 A. Yeah.	
7 A. No, I don't think.	16 Q. -- into the steel in the 17 compartments?	
8 Q. Is there any other way you think 9 you may have come into contact with 10 asbestos in connection with your work 11 during the one year you worked as a sheet 12 metal mechanic on the USS Constellation?	18 A. Yeah. The beams, the steel 19 beams.	
13 A. Yeah, I worked on different 14 things on the Constellation.	20 Q. Do you recall the make or 21 manufacturer of any of the sheet 22 material?	
15 Q. What did you work on?	23 A. The only way I can give you that 24 is if I heard the name, I would tell you 25 yes or no.	
16 A. I was working on the fixtures 17 for the bathrooms, I did other fixtures 18 in there. They were using me as an 19 oddball guy because I figured out things 20 pretty easily.		
21 Q. Do you think any of the work you 22 did putting in fixtures caused you to 23 come into contact with asbestos?		
24 A. I don't think so.		
25 Q. Is there any other work that you		

24 (Pages 90 - 93)

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Page 94	Page 96
<p>1 Q. You also mentioned pipe 2 covering, did you personally install any 3 pipe covering on board the Constellation? 4 A. Yeah. Over the elbow joints. 5 Q. How would you go about 6 installing pipe covering over the elbow 7 joints? 8 A. Mix it up with water. 9 Q. Now, are you talking about pipe 10 covering or you're talking about some 11 other type of material because you just 12 used the phrase mixed it up? 13 A. Yeah. Well, when you're putting 14 the pipe covering on, you got to use a 15 straight length over the pipe, then when 16 you got to elbows, you couldn't use a 17 straight length, you put the elbows on 18 and mix the other stuff and work it into 19 that.</p> <p>20 Q. You mixed up other stuff that 21 you're talking about, that's not pipe 22 covering, is it, that's a mixed material, 23 right?</p> <p>24 A. Yeah, that. But the straight 25 stuff was pipe covering.</p>	<p>1 think you worked on that you believe 2 contained asbestos that you haven't 3 already told me about on the 4 Constellation? 5 A. No, I don't think. 6 Q. Did you work on any other 7 vessels while you were at the Brooklyn 8 Naval Shipyard? 9 A. Yeah, I worked on them, before 10 the Constellation I worked on destroyers. 11 We were changing the top of it, 12 everything above the upper deck and there 13 we put up bulkheads and everything. 14 Q. And this was before the 15 Constellation? 16 A. No, I think it was before but 17 they switched me off and on that. 18 Q. So, at the same time you were 19 working on the Constellation, you were 20 also working on some unidentified ships 21 including destroyers, correct? 22 A. Yes. 23 Q. Do you remember the names of any 24 of the destroyers? 25 A. No.</p>
<p>1 Q. I understand that. You 2 mentioned you used the straight stuff and 3 then on the elbows you used another type 4 of material that you had to mix up; is 5 that correct? 6 A. I'm sure it was some sort of 7 companion. 8 Q. Do you know who manufactured any 9 of the pipe covering material? 10 A. No. 11 Q. Do you know who manufactured any 12 of the mixed material that you used on 13 the elbows? 14 A. No, I can't remember the names. 15 Q. Is there any other aspect of 16 your work as a sheet metal mechanic 17 during the one year you worked on the 18 Constellation at the Brooklyn Naval 19 Shipyard in approximately 1960, that you 20 think may have caused you to come into 21 contact with asbestos? 22 A. I guess so. We were working on 23 so many different things, there might 24 have been something in there. 25 Q. Is there anything else that you</p>	<p>1 Q. Were you a sheet metal mechanic 2 on these destroyers? 3 A. I did sheet metal work on them. 4 Q. What were your day-to-day duties 5 and responsibilities as a sheet metal 6 mechanic on these other unidentified 7 ships at the Brooklyn Naval Shipyard? 8 A. Well, a lot of times they put 9 in, like, a 4 inch piece of combing on 10 deck, they weld it, the welders would. 11 And we as sheet metal workers would take 12 this aluminum bulkhead or whatever, the 13 wall made prefab and we rivet it to the 14 combing on the deck. They would put 15 rubber in between there, the steel and 16 aluminum so because it was a chemical 17 reaction, put the rubber on there and it 18 rotted away. 19 Q. How long would you spend on 20 these individual ships, these other 21 vessels, the destroyers? 22 A. Oh, they were like fill in, you 23 know, a day or two days. 24 Q. So, a day here and a day there? 25 A. Yeah. And basically had to go</p>

25 (Pages 94 - 97)

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Page 98	Page 100
1 back to the big ships.	1 solid material?
2 Q. Do you remember the names of any	2 A. Yeah, the straight sections
3 of the unidentified destroyers or other	3 were.
4 smaller ships that you worked on during	4 Q. The straight section and was
5 that period of time?	5 some of it also a mixed material that you
6 A. No.	6 had to mix up with water?
7 Q. When you were working on these	7 A. Yeah, for the elbows, yeah.
8 other vessels, not the Constellation but	8 Q. Do you know the make or
9 these other smaller ships including the	9 manufacturer of the solid material?
10 destroyers, do you have any reason to	10 A. No.
11 believe you either worked directly with	11 Q. Do you know the make or
12 or around any product or material or type	12 manufacturer of the mixed material?
13 of equipment that you now believe	13 A. No. But I remember using it so
14 contained asbestos?	14 often that I paid very little attention.
15 A. I guess so because there's so	15 Q. You mentioned the pipe covering
16 much of it around.	16 material which you called solid material
17 Q. Did you personally handle any	17 as well as the mixed material that you
18 product or material or type of equipment	18 used on the elbows.
19 that you now believe contained asbestos	19 A. Yeah.
20 in connection with your work on these	20 Q. Did you personally handle any
21 other unidentified ships?	21 other material that you think may have
22 A. That could be too.	22 contained asbestos in connection with
23 Q. What did you personally handle	23 your work on these various unidentified
24 that you think may have contained	24 ships at the Brooklyn Navy Yard in
25 asbestos?	25 approximately 1960?
1 A. The -- what are you looking for,	1 A. I don't think I can remember
2 the name of an item?	2 any.
3 Q. Yes. In other words, what type	3 Q. Is there any other way that you
4 of product or material did you personally	4 think you may have come into contact with
5 handle that you think may have contained	5 asbestos during this period of time that
6 asbestos?	6 you were working on these unidentified
7 A. The coverings and stuff that I	7 ships?
8 did.	8 A. Right now I can't think of any.
9 Q. And once again, is this like a	9 Q. Did you also work for a period
10 pipe covering?	10 of time on a vessel called the
11 A. Yeah.	11 Constitution?
12 Q. What did the pipe covering look	12 (All defendants object to form)
13 like?	13 A. I believe so.
14 A. Back to that white plastic or	14 Q. Do you know whether you worked
15 whatever.	15 on the Constitution or are you -- I don't
16 Q. And how would you use this pipe	16 want you to guess. The reason I'm asking
17 covering?	17 you is because in that document your
18 A. Same thing, put it on and then	18 attorney provided to us in anticipation
19 put the cloth, put another layer on top	19 of this deposition, there's reference to
20 of it.	20 working on the Constellation and a vessel
21 Q. And you would use this pipe	21 called the Constitution. As you sit here
22 covering around the associated piping?	22 right now, do you recall working on the
23 A. Yes. The ones with the elbows	23 Constitution?
24 and stuff that were not straight.	24 A. I know I worked on two ships and
25 Q. And some of this material was a	25 that's familiar, the name but I'm not, I

26 (Pages 98 - 101)

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1 can't represent.
 2 Q. If you're not certain, just tell
 3 me you're not certain.
 4 A. I don't want to avoid it, it
 5 could be.
 6 Q. I understand it could be, a lot
 7 of things could be. As you sit here
 8 right now, do you have a present
 9 recollection --
 10 A. No.
 11 Q. -- of working on the
 12 Constitution?
 13 A. No, no.
 14 Q. Other than working in sheet
 15 metal shop number 17, working on the USS
 16 Constellation and working on those other
 17 unidentified ships at the navy yard, is
 18 there anywhere else you can presently
 19 recall working at the Brooklyn Navy Yard?
 20 A. No, I can't.
 21 Q. Have you then told me about all
 22 the different work that you did at the
 23 Brooklyn Naval Yard prior to going into
 24 the service?
 25 A. Have I got any --

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1 after a break for lunch, are you able to
 2 continue with your testimony?
 3 A. Yes.
 4 Q. One follow-up question that I
 5 neglected to ask you in connection with
 6 your tenure on board the Constellation
 7 when you were working at the Brooklyn
 8 Naval Shipyard, you had mentioned
 9 associated piping running to and from a
 10 boiler. Do you know the make or
 11 manufacturer of the boiler on board the
 12 Constellation?
 13 A. No.
 14 Q. I want to now talk to you about
 15 the period of time you were in the
 16 service. There's been a little bit of
 17 confusion as to your dates as to when you
 18 were in the service. Do you know the
 19 actual time you spent in the service as
 20 far as the period of years are concerned?
 21 THE WITNESS: Why am I so hoarse?
 22 MR. FINLEY: You want me to get
 23 you some water?
 24 THE WITNESS: No, I'm okay.
 25 MR. FINLEY: You sure?

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1 Q. Have you told me about all the
 2 different work you did at the Brooklyn
 3 Naval Yard prior to joining the service?
 4 A. Yes, as far as I can remember.
 5 Q. And have you told me about all
 6 the different ways you think you may have
 7 come into contact with asbestos during
 8 that period of time you worked at the
 9 Brooklyn Naval Yard?
 10 A. I believe so.
 11 MR. WARSHAUER: Do you want to
 12 break now?
 13 MR. FINLEY: Yes.
 14 Q. All right, sir, it's about 12:25
 15 right now, I think what we're going to do
 16 is we're going to a break, allow you to
 17 get something to eat and then we're going
 18 to come back and then I'm going to talk
 19 about the period of time you were in the
 20 service, okay?
 21 A. Okay, fine.
 22 (Whereupon, at 12:24 P.M., a lunch
 23 recess was taken)
 24 (Back on the record at 1:46 P.M.)
 25 Q. Sir, we're back on the record

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1 THE WITNESS: I'm drinking enough
 2 water but when I start to talk, it don't
 3 come out.
 4 MR. FINLEY: It's okay.
 5 A. My time in the service?
 6 Q. Yes.
 7 A. I don't know.
 8 Q. According to the document
 9 provided to us by your attorney in
 10 anticipation for this deposition, you
 11 served in the air force from
 12 approximately 1959 to 1962; does that
 13 sound right?
 14 A. Yeah. Because I took a three
 15 month early out discharge.
 16 Q. Were you in the air force after
 17 you worked at the navy yard?
 18 A. No, I don't think so.
 19 Q. It was before or after?
 20 A. I'm totally confused with this.
 21 MR. FINLEY: Take your time and
 22 think about it.
 23 Q. Take your time and think about
 24 it. We talked about working for United
 25 Vari at three different locations, on

27 (Pages 102 - 105)

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<p style="text-align: right;">Page 106</p> <p>1 Union Street and Seventh Avenue, in 2 Freeport and at a location on 9th Street 3 and Fifth Avenue in Brooklyn. 4 A. That was the first one. 5 Q. Right, that was the first one. 6 Were all those three locations prior to 7 you entering the service? 8 A. Yes. 9 Q. You told me then after you left 10 United Vari, you went to the Brooklyn 11 Navy Yard and you worked at sheet metal 12 shop number 17. 13 A. Yeah. 14 Q. Was that before or after you 15 were in the service? 16 A. Wait a minute. 17 Q. We've established that United 18 Vari was before you went into the 19 military. When you went to sheet metal 20 shop number 17 at the Brooklyn Naval 21 Shipyard, was that before or after your 22 military service? 23 A. Had to be before because I went 24 into the, I went into the... 25 Q. That's fine. Again, we can get</p>	<p style="text-align: right;">Page 108</p> <p>1 A. The air force. 2 Q. How long were you in the 3 service? 4 A. Four years short three months. 5 Q. And according to the records 6 we've been provided, you were in the 7 service from around 1959 to 1962; that 8 sounds about right? 9 A. Yeah, yes. 10 Q. Did you enlist or were you 11 drafted? 12 A. I enlisted. 13 Q. Did you undergo basic training 14 in the air force? 15 A. Yes. 16 Q. Where was basic training? 17 A. Sampson Air Force Base. 18 Q. And where is Sampson Air Force 19 Base? 20 A. Upstate New York. 21 Q. How long was basic training? 22 A. Four months I think, three or 23 four months. 24 Q. Do you remember whether the 25 weather was warm or cold?</p>
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<p style="text-align: right;">Page 107</p> <p>1 the records as far as your actual dates, 2 I just want what your memory is. 3 MR. FINLEY: To the best of your 4 recollection. 5 Q. So, as far as you're concerned, 6 you worked at sheet metal shop number 17 7 before you went into the service? 8 A. Yeah. 9 Q. Did you also work on board the 10 Constellation before you went in the 11 service? 12 A. Yes. 13 Q. And did you also work on board 14 those various unidentified ships, those 15 destroyers before you went into the 16 service? 17 A. Yeah. 18 Q. And again, if your military 19 records show something else, they show 20 something else. I just want to know what 21 the best of your recollection is as you 22 sit here right now. 23 A. Oh. 24 Q. What branch of the service were 25 you in?</p>	<p style="text-align: right;">Page 109</p> <p>1 A. No, it was cold. 2 Q. So, it was sometime in the 3 winter? 4 A. Yeah, January. 5 Q. So, January of '59? 6 A. Yeah. 7 Q. Till about April of '59; does 8 that sound about right? 9 A. Yeah. 10 MR. FINLEY: Just what you can 11 remember. 12 Q. What were your duties or 13 responsibilities when you were in basic 14 training at Sampson Air Force Base; in 15 other words, what did you learn? 16 A. How to march and telling you how 17 to do basic training. 18 Q. Where did you sleep? 19 A. The barracks. 20 Q. Do you have any reason to 21 believe you would have come into contact 22 with any product or material or type of 23 equipment you now believe contained 24 asbestos in connection with the three to 25 four months you were at basic training at</p>
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1 A. Sampson Air Force Base?	1 A. Well, I would be on town patrol
2 A. No, I don't think so.	2 or policing the flight line with all the
3 Q. Did you notice the presence of	3 planes on it.
4 any insulated or overhead piping within	4 Q. You policed the areas where the
5 the confines of the barracks at Sampson?	5 planes were located?
6 A. No.	6 A. Yeah, yeah.
7 Q. So, you go through basic	7 Q. Make sure nobody had
8 training three or four months, correct?	8 unauthorized access?
9 A. Right.	9 A. Right. We had dogs and
10 Q. Where do you go after basic	10 everything.
11 training?	11 Q. Did you have any other duties or
12 A. You get assigned to a base.	12 responsibilities during the year you were
13 Q. And what base were you assigned	13 stationed at Langley?
14 to?	14 A. No, not that I know of.
15 A. Langley, Langley Air Force Base,	15 Q. Do you have any reason to
16 Virginia.	16 believe you would have come into contact
17 Q. Do you remember what month it	17 with any product or material or type of
18 was you arrived at Langley Air Force Base	18 equipment you now believe contained
19 in Virginia?	19 asbestos in connection with the year you
20 A. No.	20 spent as an airman third, second and
21 Q. Sometime in the spring of '59?	21 first at Langley Air Force Base in
22 A. I guess so.	22 Virginia?
23 Q. How long were you at Langley Air	23 A. No.
24 Force Base?	24 Q. Where did you sleep at Langley?
25 A. A year.	25 A. In the barracks.
1 Q. So, from approximately 1959 to	1 Q. Did you notice the presence of
2 1960, somewhere around that time; --	2 any insulated or overhead piping within
3 A. Yeah.	3 the confines of Langley?
4 Q. -- is that correct?	4 A. No.
5 A. Correct.	5 Q. Where did you go from Langley?
6 Q. What was your rank?	6 A. Germany.
7 A. Well, when we were in there at	7 Q. Did you go to a base in Germany?
8 that time I had one stripe, when I left I	8 A. Yeah.
9 had three.	9 Q. What was the name of the base?
10 Q. So, what does the one stripe	10 A. Kaiserslautern but that was the
11 designate, what was your classification?	11 town, near Kaiserslautern, the town.
12 A. Airman third.	12 Q. It's Kaiserslautern?
13 Q. And by the time you left you	13 A. Kaiserslautern, yeah;
14 were an airman first?	14 K-A-I-S-C-R-S-L-A-U-T-E-R [sic], crazy
15 A. First, right.	15 name.
16 Q. Were the duties of an airman	16 Q. What major city in Germany was
17 third and an airman second and an airman	17 the base near?
18 first relatively the same?	18 A. The major city was Cologne.
19 A. Yeah, they were pretty much the	19 Q. It was near Cologne. How long
20 same.	20 were you stationed at the base near
21 Q. What were your duties as an	21 Cologne in Germany?
22 airman at Langley Air Force Base?	22 A. About a year, about a year.
23 A. I was an air policeman.	23 Q. So, 1960 to 1961, somewhere
24 Q. And what did the duties of an	24 around there?
25 air policeman entail?	25 A. Yeah.

29 (Pages 110 - 113)

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1 Q. What was your rank at the base?
 2 A. Probably at that time airman
 3 second.
 4 Q. You were an airman second?
 5 A. Yeah.
 6 Q. Because you told me when you
 7 left Langley you thought you were an
 8 airman first.
 9 A. Oh, no, when I left the air
 10 force I was an airman first.
 11 Q. So, the whole time you were at
 12 Langley you were an airman third?
 13 A. Airman third and second.
 14 Q. So, when you left you were a
 15 second?
 16 A. Yeah.
 17 Q. And when you left the base near
 18 Cologne in Germany you were an airman
 19 second?
 20 A. Yes.
 21 Q. What were your day-to-day duties
 22 and responsibilities at the air base near
 23 Cologne in Germany?
 24 A. Well, police duty.
 25 Q. You were still an air policeman?

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1 Q. Any reason to believe you would
 2 have come into contact with asbestos in
 3 connection with the year you spent at the
 4 air base near Cologne in Germany?
 5 A. No, no.
 6 Q. Where did you sleep?
 7 A. The barracks.
 8 Q. Did you notice the presence of
 9 any insulated or overhead piping within
 10 the confines of the barracks at the base
 11 near Cologne in Germany?
 12 A. No.
 13 Q. Where did you go from the air
 14 base near Cologne; in other words, where
 15 was the next place you served?
 16 A. I'm trying to think of that.
 17 Q. Sure.
 18 A. Drawing a blank.
 19 Q. Well, I understand it was a long
 20 time ago.
 21 MR. FINLEY: Take your time.
 22 Q. Over 50 years ago. You told me
 23 so far you did basic training at Sampson
 24 for about three to four months, then you
 25 went to Langley for about a year where

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1 A. Yeah. I would go on town patrol
 2 at night and get a vehicle and then go on
 3 police duty.
 4 Q. What did town patrol consist of?
 5 A. That was going and checking on
 6 the guys who were in town with civilian
 7 clothes on.
 8 Q. So, you would go into town to
 9 make sure the guys who left the base and
 10 went into town didn't get into any
 11 trouble?
 12 A. Right. Drinking and everything.
 13 Q. Did you have any other duties
 14 during the year you were stationed at the
 15 air base near Cologne in Germany?
 16 A. No.
 17 Q. Do you have any reason to
 18 believe you would have come into contact
 19 with any product or material or type of
 20 equipment you now believe contained
 21 asbestos in connection with the year you
 22 spent as an airman second near the base
 23 in Cologne -- at the base near Cologne in
 24 Germany?
 25 A. Near the base those years, okay.

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1 you were an airman third. Next you went
 2 to the base near Cologne in Germany for
 3 about a year where you were an airman
 4 second.
 5 A. Yeah.
 6 Q. Do you remember where you were
 7 when you left the base near Cologne in
 8 Germany and you went on to your next
 9 assignment?
 10 A. I went to Bitburg.
 11 Q. Bitburg, Germany?
 12 A. Yeah. A little south of
 13 Cologne.
 14 Q. And that was an air base?
 15 A. Yeah.
 16 Q. How long were you stationed at
 17 the air base near Bitburg, Germany?
 18 A. I think about two years.
 19 Q. That was the rest of your
 20 service in the military?
 21 A. That was it, yeah.
 22 Q. Were you an airman first at the
 23 base near Bitburg, Germany?
 24 A. Yes. By that time I was working
 25 in the office.

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30 (Pages 114 - 117)

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<p style="text-align: right;">Page 118</p> <p>1 Q. What were your day-to-day duties 2 and responsibilities at the air base near 3 or in Bitburg, Germany?</p> <p>4 A. Basically I was running, running 5 the office, I had three guys working for 6 me.</p> <p>7 Q. And what type of office was 8 this?</p> <p>9 A. The office to run all the air 10 police.</p> <p>11 Q. So, you ran the office that ran 12 the air police?</p> <p>13 A. Yeah.</p> <p>14 Q. And what sort of things did you 15 do?</p> <p>16 A. Well, they found out I could 17 type on a manual typewriter.</p> <p>18 Q. You typed up reports?</p> <p>19 A. Type up reports, what?</p> <p>20 Q. Did you type up reports?</p> <p>21 A. Oh, yeah.</p> <p>22 Q. What else did you do?</p> <p>23 A. I wrote letters for generals. I 24 lived with a Thesaurus.</p> <p>25 Q. So, you wrote letters for</p>	<p style="text-align: right;">Page 120</p> <p>1 A. No. I keep saying no to those.</p> <p>2 Q. That's fine. Again, if it's a 3 no, it's a no, I have to ask you the 4 questions.</p> <p>5 A. But I was just thinking it 6 probably could have been but I never 7 really --</p> <p>8 Q. You never noticed it?</p> <p>9 A. I never noticed it.</p> <p>10 Q. So, if there was any insulated 11 or overhead piping within the confines of 12 the barracks, you never had any 13 responsibility for performing any 14 maintenance or repair work on any of that 15 piping?</p> <p>16 A. No.</p> <p>17 Q. And you never saw others do any 18 maintenance or repair work on the piping?</p> <p>19 A. Well, I saw others doing repair 20 work on the piping when I was working 21 there.</p> <p>22 Q. I'm only talking about when you 23 were in the air force, do you ever --</p> <p>24 A. Yes, in the air force.</p> <p>25 Q. Where do you recall seeing</p>
<p style="text-align: right;">Page 119</p> <p>1 generals?</p> <p>2 A. Yeah. Majors.</p> <p>3 Q. Right. People higher ranked 4 than you.</p> <p>5 A. They used all big words, that's 6 why I used a Thesaurus.</p> <p>7 Q. Anything else, any other 8 day-to-day duties and responsibilities at 9 the base in Bitburg?</p> <p>10 A. No, not really.</p> <p>11 Q. During the approximately one 12 year you spent serving as an airman first 13 at the air base at or near Bitburg, 14 Germany, do you have any reason to 15 believe you would have come into contact 16 with any product or material or type of 17 equipment that you now believe contained 18 asbestos?</p> <p>19 A. No.</p> <p>20 Q. Where did you sleep at the base 21 in Bitburg?</p> <p>22 A. In the barracks.</p> <p>23 Q. Do you recall the presence of 24 any insulated or overhead piping within 25 the confines of the barracks at Bitburg?</p>	<p style="text-align: right;">Page 121</p> <p>1 workers doing maintenance or repair work 2 on piping?</p> <p>3 A. Oh, let's see what -- now I do 4 -- I just drew another blank.</p> <p>5 Q. Do you remember where you saw 6 that work?</p> <p>7 A. No. My mind is going.</p> <p>8 MR. FINLEY: Take your time, take 9 a second.</p> <p>10 Q. Do you recall seeing any of that 11 work taking place at the base near 12 Bitburg?</p> <p>13 A. Bitburg was, Bitburg was my 14 second base.</p> <p>15 Q. Well, you told me I think 16 Bitburg was the last base you served at, 17 right?</p> <p>18 A. Yeah.</p> <p>19 Q. Do you recall any workers doing 20 any maintenance or repair work on any 21 piping at Bitburg? And if you don't 22 remember, that's fine, I just want to 23 know what you know.</p> <p>24 A. I can't think of that.</p> <p>25 Q. Do you recall any workers doing</p>

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1 any maintenance or repair work on any 2 piping at the base near Cologne, Germany? 3 A. No. It's a little confusion 4 here between Bitburg and, Bitburg and -- 5 first of all, the first place I went to 6 was Simbach. 7 Q. You haven't mentioned Simbach. 8 A. I know but that came to me, I'm 9 sorry. 10 Q. Simbach was before Cologne? 11 A. Simbach was near the town of 12 Kaiserslautern, it's only a small town. 13 Q. Was that the base near Cologne, 14 was it called Simbach? 15 A. Yeah. Some people tied it to 16 Cologne because Cologne was nothing, it 17 was a little, tiny town. 18 Q. We talked about that base, you 19 think now it was called Simbach? 20 A. It's a small town, Simbach. 21 Q. So, it was a base near Simbach, 22 Germany? 23 A. Yeah. 24 Q. And that was the base near 25 Cologne that you talked about?	1 were in the air force? 2 A. Yeah, I hurt my back. 3 Q. How did you hurt your back? 4 A. I don't know, I think it was 5 congenital. 6 Q. Did you miss any time? 7 A. Yeah. They tried to get me out 8 of bed one day and I refused and they 9 were going to court martial me, I said do 10 what you got to do, I can't get out of 11 bed. 12 Q. How much time did you miss? 13 A. I didn't miss any time, I just 14 laid in bed and rested for a few days. 15 Q. And then it was better? 16 A. Yeah. But it came back many 17 times after. 18 Q. Any other injury other than the 19 back injury? 20 A. No. 21 Q. You were an airman first for 22 your last rank? 23 A. Yes. 24 Q. You took a plane back to the 25 States after you were discharged?
Page 123	Page 125
1 A. Yeah, right. 2 Q. And after that you went to the 3 base in Bitburg? 4 A. Right. 5 Q. And do you recall workers doing 6 any maintenance or repair work on any 7 insulated or overhead piping at either 8 base in Germany? 9 A. I don't think so. 10 Q. Do you recall workers doing any 11 maintenance or repair work on any 12 insulated or overhead piping at either 13 Sampson or Langley air base? 14 A. No. 15 Q. The base in Bitburg was your 16 last assignment in the air force, 17 correct? 18 A. Yeah. 19 Q. Were you honorably discharged 20 from the air force? 21 A. Yes. 22 Q. Did you ever receive any medals 23 or citations? 24 A. No. 25 Q. Were you ever injured while you	1 A. Yes. 2 Q. After you came back to the 3 States following your discharge from the 4 US Air force, I take it you sought out 5 employment, correct? 6 A. Yes. 7 Q. Where was the first place you 8 were employed following your discharge 9 from the air force? 10 A. I think it was United 11 Vari-Crafts, I went back to that. 12 Q. You went back to? 13 A. United Vari-Crafts. 14 Q. You went back to United 15 Vari-Crafts, for how long a period of 16 time did you go back to United Vari? 17 A. I don't know. 18 Q. Which United Vari location did 19 you go back to? 20 A. The last one I gave you. 21 Q. Freeport? 22 A. Yeah, yeah. 23 Q. Was that for less than a year? 24 A. I guess so. 25 Q. Just a few months?

32 (Pages 122 - 125)

	Page 126	Page 128
1 A. Yeah -- no, about a year.		1 in my head.
2 Q. About a year?		2 MR. FINLEY: Take your time.
3 A. Yeah.		3 Q. On the second occasion that you
4 Q. Were you still a sheet metal		4 worked at United Vari in Freeport, where
5 worker?		5 were you working physically?
6 A. Yeah.		6 A. Say again.
7 Q. Sheet metal mechanic?		7 Q. You were working in Freeport,
8 A. Yeah. Well, they called me --		8 correct?
9 any other place it would be a sheet metal		9 A. Yeah.
10 worker or a tin knocker. They only		10 Q. Were you working in a sheet
11 called me a mechanic when I went to the		11 metal shop in Freeport?
12 navy yard.		12 A. Yes. That was the United.
13 Q. They called you a sheet metal		13 Q. You told me you were no longer
14 mechanic at United Vari?		14 working in the shop, that's not correct,
15 A. No, not really. They just		15 you were still working in the sheet metal
16 called me a sheet metal worker.		16 shop in Freeport, correct?
17 Q. And what were your duties as a		17 A. Yeah. Oh, I meant I was no
18 sheet metal worker at the second stint at		18 longer working in the shop-shop.
19 the Freeport location of United Vari?		19 Q. Well, I don't know what you mean
20 A. Cutting out, still the same		20 by that. When you say you were no longer
21 thing, cutting out signs.		21 in the shop-shop, what do you mean by
22 Q. You were making signs?		22 that?
23 A. Yeah.		23 A. In the shop-shop, shop 17 in the
24 Q. Were you still making signs for		24 building --
25 Bulova Watch Company?		25 Q. No, that's shop 17 is when you
1 A. Maybe not Bulova but for other	Page 127	Page 129
2 companies, you know. We did a lot of		1 were working at the navy yard, now we're
3 signs, bank signs.		2 talking about United Vari.
4 Q. Were you still cutting the metal		3 A. I wish I was clear as you.
5 with a shear?		4 MR. FINLEY: Do you understand the
6 A. No, no. I was out of the shop		5 time period he's talking about right
7 then.		6 now?
8 Q. What were you doing at that		7 Q. You told me after you left the
9 point?		8 air force, you went back to United Vari
10 A. I was working making signs in		9 for a brief period of time; is that
11 different letters and stuff.		10 correct?
12 Q. Right. But where were you doing		11 A. Yeah.
13 that work, where at the shop were you		12 Q. And you went back to the
14 working?		13 Freeport location; is that correct?
15 A. Oh, at that time I was out of		14 A. Yes.
16 the shop.		15 Q. And you were still working in
17 Q. Where were you working?		16 the sheet metal shop, you were
18 A. On the ships.		17 fabricating metal for signs, correct?
19 Q. You were working on ships for		18 A. Yeah.
20 United Vari?		19 Q. Do you have any reason to
21 (All defendants object to form)		20 believe you would have come into contact
22 A. Oh, no, no, no.		21 with any product or material or type of
23 Q. You just told me you were on		22 equipment you now believe contained
24 ships, that's not correct?		23 asbestos during that second occasion you
25 A. No, I was in the wrong location		24 were working in the sheet metal shop for
		25 United Vari in Freeport?

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<p>1 A. I don't think so, no.</p> <p>2 Q. So, you worked at the Freeport 3 location of United Vari for around a 4 year, maybe a little bit less.</p> <p>5 A. Yeah.</p> <p>6 Q. Where did you go to work from 7 there; in other words, who was your next 8 employer?</p> <p>9 A. From Freeport?</p> <p>10 Q. Yes. From United Vari, the 11 Freeport location.</p> <p>12 A. The fire department.</p> <p>13 Q. Any other employment between 14 United Vari and the fire department?</p> <p>15 A. No.</p> <p>16 Q. So, around 1962 you go to work 17 for the fire department for the City of 18 New York; is that correct?</p> <p>19 A. Yeah.</p> <p>20 Q. How long were you a member of 21 the fire department of the City of New 22 York?</p> <p>23 A. Twenty-eight years.</p> <p>24 Q. According to the information 25 we've been provided, you were a member of</p>	<p>1 A. No, I wasn't.</p> <p>2 Q. You never went?</p> <p>3 A. No.</p> <p>4 Q. Did you ever receive 5 publications from the UFA like a 6 newspaper or a trade journal?</p> <p>7 A. Oh, yeah.</p> <p>8 Q. What sort of things were in 9 those publications?</p> <p>10 A. Union news.</p> <p>11 Q. Was there ever any articles that 12 you read regarding the subject of 13 asbestos; in other words, did you ever 14 read any articles relating to asbestos in 15 any of those publications?</p> <p>16 A. Not to my knowledge. I was not 17 an avid reader of the union paper but it 18 could have been in there.</p> <p>19 Q. Now, were you assigned to one 20 firehouse or more than one firehouse when 21 you were a fireman?</p> <p>22 A. One firehouse.</p> <p>23 Q. What firehouse was that?</p> <p>24 A. Engine 202.</p> <p>25 Q. Where was Engine 202 located?</p>
Page 131	Page 133
<p>1 the fire department for the City of New 2 York between 1961 and 1962 and 3 approximately 1989; does that sound about 4 right?</p> <p>5 A. Yeah.</p> <p>6 Q. Now, you had to join a union 7 when you were a member of the fire 8 department, correct?</p> <p>9 A. Yeah.</p> <p>10 Q. What union was that?</p> <p>11 A. I don't...</p> <p>12 Q. Was that the UFA?</p> <p>13 A. Yeah. I just couldn't think of 14 it.</p> <p>15 Q. And were you a member of the UFA 16 or the FDNY for the entire time you were 17 working for the fire department?</p> <p>18 A. Yeah.</p> <p>19 Q. Did you ever hold office within 20 the UFA?</p> <p>21 A. No.</p> <p>22 Q. I take it the UFA had meetings, 23 correct?</p> <p>24 A. Yeah.</p> <p>25 Q. Did you attend the meetings?</p>	<p>1 A. Red Hook, Brooklyn.</p> <p>2 Q. That's the Red Hook section of 3 Brooklyn, New York?</p> <p>4 A. Yes.</p> <p>5 Q. And you were there for 28 years?</p> <p>6 A. Yes.</p> <p>7 Q. I know this may sound like a 8 silly question, can you tell me though 9 what your day-to-day duties and 10 responsibilities were as a fireman out of 11 Engine 202 in Red Hook, what did you do?</p> <p>12 A. Ran away from the fires.</p> <p>13 Q. I doubt that. You fought fires?</p> <p>14 A. Oh, yeah.</p> <p>15 Q. Did you generally work a day 16 shift?</p> <p>17 A. No. We were --</p> <p>18 Q. Or it varied?</p> <p>19 A. It varied, two days and two 20 nights.</p> <p>21 Q. Two days and two nights?</p> <p>22 A. Nine hour days and fifteen hour 23 tours at night.</p> <p>24 Q. You were generally working in 25 Brooklyn though, right?</p>

34 (Pages 130 - 133)

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Page 134	Page 136
1 A. Oh, yeah, all the time.	1 Q. What were you doing?
2 Q. You never went to any other	2 A. House painting.
3 boroughs?	3 Q. What year did you start doing
4 A. We would relocate for maybe one	4 that side work?
5 night or a day.	5 A. I did it for probably about the
6 Q. Primarily in Brooklyn?	6 last fifteen years of my fire department
7 A. Yes.	7 career.
8 Q. During the course of the 28	8 Q. So, you didn't start doing the
9 years you were a fireman for the FDNY out	9 side work until about the middle portion
10 of Engine 202 in the Red Hook section of	10 of the 1970s?
11 Brooklyn between approximately 1961 and	11 A. Yeah.
12 1989, do you have any reason to believe	12 Q. We'll get to that in just a
13 you either worked directly with or around	13 minute.
14 any product or material or piece of	14 Prior to doing that side work
15 equipment that you now believe contained	15 beginning in the middle portion of the
16 asbestos?	16 1970s, did you ever have occasion to work
17 A. That's everything. I don't	17 anywhere else during the early portion of
18 think so.	18 your tenure for the fire department?
19 Q. Did you ever use any protective	19 A. No. Just...
20 equipment as a fireman that you think may	20 Q. You were just a fireman?
21 have contained asbestos?	21 A. The firehouses.
22 A. Used protective equipment to go	22 Q. So, around 1974 or so, the
23 into fires at the end there.	23 mid-1970s you started to do some house
24 Q. I understand that. You had a	24 painting?
25 hat, you had a mask at some point I'm	25 A. Yeah.
Page 135	
1 assuming, correct?	1 Q. And you did that throughout the
2 A. Yeah. But the really heavy fire	2 remainder of your tenure for the fire
3 we put on a mask, we fought fires with a	3 department of the City of New York?
4 mask.	4 A. Yeah.
5 Q. Do you know who made any of that	5 Q. So, for about fifteen years you
6 equipment?	6 started doing side work involving
7 A. No.	7 painting houses?
8 Q. Did you ever use any other type	8 A. Yes.
9 of protective equipment like gloves or a	9 Q. Where were these houses located?
10 jacket or boots, something else?	10 A. Around Brooklyn.
11 A. Yeah. Just a regular standard	11 Q. Only in Brooklyn?
12 fireman's gear, rubber boots.	12 A. No. Manhattan, Queens.
13 Q. Do you believe any of that	13 Q. All five boroughs or just
14 standard fire gear that you used	14 Manhattan, Brooklyn and Queens?
15 contained asbestos?	15 A. Not much Staten Island.
16 A. No.	16 Q. How about the Bronx?
17 Q. Did anyone ever tell you any of	17 A. In the Bronx, no, no.
18 that equipment contained asbestos?	18 Q. So, Manhattan, Brooklyn and
19 A. Not that I know of, no.	19 Queens?
20 Q. Now, at the time you were	20 A. Yeah.
21 working out of Engine 202 as a fireman	21 Q. And this is all private homes?
22 between 1961 and 1989 approximately, were	22 A. Yeah.
23 you also doing some moonlighting or side	23 Q. Now, you told me earlier that
24 work?	24 you periodically worked with some other
25 A. Yeah.	25 people, you worked with your daughter,

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<p style="text-align: right;">Page 138</p> <p>1 right?</p> <p>2 A. Oh, yeah.</p> <p>3 Q. Did she start to work with you</p> <p>4 during this period of time --</p> <p>5 A. Yeah.</p> <p>6 Q. -- towards the end?</p> <p>7 A. Yeah.</p> <p>8 Q. Who else did you work with, did</p> <p>9 you work with your son?</p> <p>10 A. Oh, yeah, oh, yeah.</p> <p>11 Q. Anybody else?</p> <p>12 A. Worked with both my sons.</p> <p>13 Q. Right, both of your sons, your</p> <p>14 daughter.</p> <p>15 A. And that's it, yeah.</p> <p>16 Q. Anybody else?</p> <p>17 A. No.</p> <p>18 Q. I think you said briefly your</p> <p>19 nephew?</p> <p>20 A. Oh, yes, I forgot about that,</p> <p>21 yeah.</p> <p>22 Q. Your nephew was Keith McDermott?</p> <p>23 A. Keith McDermott.</p> <p>24 Q. When did you work with him?</p> <p>25 A. Oh, I think I started --</p>	<p style="text-align: right;">Page 140</p> <p>1 A. Yeah.</p> <p>2 Q. No partners?</p> <p>3 A. No.</p> <p>4 Q. Do you remember the names of any</p> <p>5 of your customers?</p> <p>6 A. I don't know them really.</p> <p>7 Q. Do you remember the addresses of</p> <p>8 any of the homes you worked at? I know</p> <p>9 you told me they were in Manhattan,</p> <p>10 Brooklyn and Queens but do you remember</p> <p>11 any of the street addresses?</p> <p>12 A. I haven't been at any of those</p> <p>13 homes in the last fifteen or 20 years.</p> <p>14 Q. I understand that. Do you</p> <p>15 recall any of the addresses?</p> <p>16 A. No.</p> <p>17 Q. Do you have any records at home</p> <p>18 regarding the work that you did in any of</p> <p>19 these residential homes in Manhattan,</p> <p>20 Brooklyn or Queens?</p> <p>21 A. No.</p> <p>22 Q. Would anybody you know be in</p> <p>23 possession of any records?</p> <p>24 A. No. I got rid of all that</p> <p>25 stuff.</p>
<p style="text-align: right;">Page 139</p> <p>1 Q. Was it during the '74 to '89</p> <p>2 period?</p> <p>3 A. I don't know, I don't know.</p> <p>4 Q. For how long a period of time</p> <p>5 when you were doing this side work or</p> <p>6 moonlighting work on the residential</p> <p>7 homes did you work with Keith?</p> <p>8 A. Probably ten or fifteen years.</p> <p>9 Q. So, most of the time Keith was</p> <p>10 working with you?</p> <p>11 A. Yeah, well, yeah. A lot of</p> <p>12 times he could only work part-time, half</p> <p>13 a day.</p> <p>14 Q. How did you get your customers?</p> <p>15 A. Word of mouth.</p> <p>16 Q. Any advertising?</p> <p>17 A. No.</p> <p>18 Q. Did your business have a name?</p> <p>19 A. No. Fred Brown Painting.</p> <p>20 Q. It was called Fred Brown</p> <p>21 Painting?</p> <p>22 A. Yeah.</p> <p>23 Q. Was the business incorporated?</p> <p>24 A. No.</p> <p>25 Q. You were the owner?</p>	<p style="text-align: right;">Page 141</p> <p>1 Q. When did you get rid of the</p> <p>2 records?</p> <p>3 A. I don't know when, I retired.</p> <p>4 Q. You mentioned you did painting</p> <p>5 work at many of these homes; is that</p> <p>6 correct?</p> <p>7 A. Yeah.</p> <p>8 Q. What other type of work if any</p> <p>9 did you do at any of these homes other</p> <p>10 than painting?</p> <p>11 A. Wallpapering.</p> <p>12 Q. Painting, wallpaper, anything</p> <p>13 else?</p> <p>14 A. Paneling.</p> <p>15 Q. Anything else?</p> <p>16 A. I don't know, I can't think of</p> <p>17 any.</p> <p>18 Q. Was it all interior work or did</p> <p>19 you do some exterior work as well?</p> <p>20 A. Interior work.</p> <p>21 Q. All interior, any exterior work?</p> <p>22 (All defendants object)</p> <p>23 A. They were small, I wouldn't do</p> <p>24 big jobs.</p> <p>25 Q. So, it was all interior?</p>

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1 A. Yeah.	1 with asbestos?
2 MR. FINLEY: Is that correct? Did	2 A. When I used to rip off the
3 you ever do any exterior work? I just	3 wallpaper or the stuff, it got very dusty
4 want to make sure you understand the	4 in there and I had to clean it up, the
5 question.	5 walls clear. Sometimes I had to wash
6 (All defendants object, asked and	6 them down to get all the old paste off,
7 answered)	7 so that's the only time that anything was
8 THE WITNESS: What kind of	8 messed up.
9 interior work?	9 Q. So, there were times when you
10 Q. Sir, we don't know. I just want	10 had to remove or tear down preexisting
11 to know if all the work you did when you	11 materials in order to do your own work?
12 were doing this side work at the	12 A. Oh, yeah.
13 residential homes in Manhattan, Brooklyn	13 Q. And do you think some of those
14 and Queens for Fred Brown Painting was	14 preexisting materials that you tore down
15 all interior work.	15 or removed may have contained asbestos?
16 (All defendants object)	16 A. It might have but I never
17 A. Oh, I couldn't say that, all	17 thought of it until now until you brought
18 interior work. I might have worked a	18 it up.
19 couple of days outdoors.	19 Q. Would you know the make or
20 Q. Well, that's what I want to	20 manufacturer of any of those preexisting
21 know. As you sit here right now, did you	21 materials that you removed from any of
22 ever do any work outside that you haven't	22 those residential home projects in
23 already told me about?	23 Manhattan, Brooklyn or Queens, New York?
24 A. I told you I don't remember the	24 A. No.
25 houses I did the work. I mean, that's	25 Q. What did you do with the
1 like 20 years ago, easily 20 years ago.	1 materials after you tore them down?
2 Q. You mentioned painting,	2 A. Roll them up, put them in a
3 wallpaper and paneling work; is that	3 garbage and threw them out.
4 correct?	4 Q. Put them in a plastic bag and
5 A. Yeah.	5 hauled them out to the curb?
6 Q. And you did this work with some	6 A. Right.
7 of your children and with your nephew,	7 Q. And the garbage men would come
8 correct?	8 and take them away?
9 A. Yeah.	9 A. Yeah.
10 Q. Do you have any reason to	10 Q. Did anyone ever tell you that
11 believe that any of the work you did	11 any of that material that you removed
12 installing paneling in any of these homes	12 contained asbestos?
13 caused you to come into contact with	13 A. No.
14 asbestos?	14 Q. Do you have any reason to
15 A. No, I don't think so.	15 believe that any of this side work or
16 Q. Do you have any reason to	16 moonlighting work that you did at these
17 believe that any of the work you did	17 residential home projects in Manhattan,
18 putting up wallpaper in any of these	18 Brooklyn or Queens, New York, for Fred
19 homes caused you to come into contact	19 Brown Painting between 1974 and 1989
20 with asbestos?	20 caused you to come into contact with
21 A. Could have but I don't think so.	21 asbestos?
22 Q. Do you have any reason to	22 A. Not that I can think of.
23 believe that any of the painting work you	23 Q. Can you estimate for me how many
24 did in any of these residential homes in	24 hours a week during this time period you
25 any way caused you to come into contact	25 think you did this side work; in other

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1 words, are we talking an hour a week,
 2 five hours a week, ten hours a week,
 3 more, less, what are we talking about?
 4 A. I would say 20 hours a week.
 5 Q. Was this nights and weekends?
 6 A. It was whenever the weather was
 7 good and we could paint.
 8 Q. But your primary job was that of
 9 a fireman, correct?
 10 A. Oh, yeah.
 11 Q. So, when you were doing the side
 12 work, it was when you weren't working as
 13 a fireman, correct?
 14 A. Yeah.
 15 Q. Were you paid cash for these
 16 jobs?
 17 A. Yeah.
 18 Q. Did you pay your kids in cash --
 19 A. Yeah.
 20 Q. -- when they assisted you?
 21 A. Yeah.
 22 Q. And your nephew?
 23 A. Yeah.
 24 Q. You paid him cash?
 25 A. Yeah.

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1 Q. Did you ever do any other side
 2 work during the period of time you were
 3 working as a fireman for the FDNY between
 4 1961 and 1989?
 5 A. No.
 6 Q. Other than work that you did for
 7 Fred Brown Painting at these residential
 8 homes in Manhattan, Brooklyn and Queens.
 9 A. Yeah.
 10 Q. No other side work?
 11 A. No.
 12 Q. Were you ever injured on the job
 13 while you were a fireman?
 14 A. No.
 15 Q. You last worked as a fireman in
 16 1989?
 17 A. Yeah.
 18 Q. That's when you retired?
 19 A. Yes.
 20 Q. Why did you decide to retire in
 21 1989?
 22 A. Because taking too much of a
 23 beating in the fires.
 24 Q. But that retirement was
 25 voluntary, correct?

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1 A. Yeah.
 2 Q. It wasn't due to any health
 3 related issues?
 4 A. No. I wanted to go for 30 years
 5 but I couldn't make it.
 6 Q. Do you receive a pension from
 7 your time with the FDNY?
 8 A. Yes.
 9 Q. How much is your pension?
 10 A. I don't know, I think 60,000.
 11 Q. 60,000 a year?
 12 A. Yeah.
 13 Q. Do you also receive Social
 14 Security?
 15 A. Yeah.
 16 Q. How much do you receive a month
 17 in Social Security?
 18 A. Oh, you're going to combine
 19 them, I think it comes out to -- what I'd
 20 say, 60,000?
 21 Q. You said about 60,000 a year for
 22 your pension.
 23 A. Oh, not that much. I think
 24 about 60 or 70,000 for both of them.
 25 Q. So, if we combine your pension

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1 and your Social Security, it would be
 2 between 60 and 70,000 total?
 3 A. Yes.
 4 Q. Have you worked anywhere since
 5 you retired from the FDNY in 1989?
 6 A. No.
 7 Q. You haven't held any other work,
 8 any other employment?
 9 A. No.
 10 Q. Have we now talked about all the
 11 different places you worked over the
 12 course of your lifetime?
 13 A. I think so. As you can see I
 14 don't remember everything.
 15 Q. And have you told me about all
 16 the different ways you think you may have
 17 come into contact with asbestos in
 18 connection with the different places that
 19 you worked and the different places that
 20 you were physically present when you were
 21 in the military?
 22 A. Yeah. Well, when I was in the
 23 military, that's when I was working on
 24 the ships and stuff.
 25 Q. Now, you didn't tell me that

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1 before. When you were in the military 2 you said you weren't working on ships, 3 you said you were working as an air 4 policeman. You weren't working on ships 5 when you were in the military, were you? 6 A. When was I working on the ships? 7 You got me confused. 8 Q. Well, I'm not trying to confuse 9 you, sir, I'm just trying to go over your 10 testimony. When you were in the air 11 force you were an air policeman, right? 12 A. Yes. 13 Q. And you served at different 14 bases both in Germany and in the States? 15 A. Yes. 16 Q. You had basic at Sampson, 17 correct? Then you went to Langley Air 18 Force Base in Virginia? 19 A. Yeah. 20 Q. Then you went to the base near 21 Cologne in Germany and then you went to 22 Bitburg, correct? 23 A. Yeah. 24 Q. You didn't work on any ships 25 when you were in the air force, did you?	1 MR. FINLEY: Good afternoon, this 2 is Patrick Finley, plaintiff's counsel. 3 It is approximately 2:51. After taking 4 a ten minute, fifteen minute break and 5 speaking with my client, he is unable to 6 continue going today. He's exhausted 7 and just doesn't have the stamina to do 8 another hour, so we're going to adjourn 9 for the day and will be back at 10:00 10 A.M. tomorrow. Thank you everybody for 11 your patience and consideration given my 12 client's health. Thank you. 13 (Whereupon, at 2:52 P.M., the 14 examination of this witness was 15 adjourned)
Page 151	Page 153
1 A. No. When did I work on the 2 ships? I'm trying to figure out when I 3 -- I worked on the ships. 4 Q. Was that while you were in the 5 air force? 6 A. No. 7 Q. You told me -- 8 A. Now you got me confused, now I 9 want to get it straight in my head. 10 Q. You had told me you worked on 11 some ships when you were working for the 12 U.S. government at the Brooklyn Navy 13 Yard. 14 A. Yeah. 15 Q. Prior to going into the air 16 force; is that correct? 17 A. At the Brooklyn Navy Yard is 18 when I worked on the ships. 19 Q. Right. And that was before you 20 went into the air force? 21 A. Yeah. 22 MR. FINLEY: Let's take a break. 23 (Whereupon, at 2:29 P.M., a short 24 recess was taken) 25 (Back on the record at 2:51 P.M.)	1 WITNESS CERTIFICATION 2 3 4 I have read the foregoing transcript of 5 my testimony and find it to be true and 6 accurate to the best of my knowledge and 7 belief. 8 9 10 FREDERICK G. BROWN 11 12 Subscribed and sworn to 13 before me on this 14 day of _____ 2017. 15 16 17 Notary Public 18 19 20 * * * 21 22 23 24 25

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2	3 EXAMINATION BY	PAGE	LINE				
3	Direct Examination	8	16				
4	by Mr. Warshauer						
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			Page 155				
1	CERTIFICATION						
2	3 I, CHERYL F. SOLOMON, a Stenotype						
4	Shorthand Reporter and Notary Public within						
5	and for the State of New York, do hereby						
6	certify that the within Examination Before						
7	Trial of FREDERICK G. BROWN was held before						
8	me and I faithfully and impartially recorded						
9	stenographically the questions, answers and						
10	colloquy.						
11	I further certify that after said						
12	examination was recorded stenographically by						
13	me, it was reduced to typewriting under my						
14	supervision, and I hereby submit that the						
15	within contents of said examination are true						
16	and accurate to the best of my ability.						
17	I further certify that I am not a						
18	relative of nor an attorney for any of						
19	the parties connected with the aforesaid						
20	examination, nor otherwise interested in						
21	the testimony of the witness.						
22							
23							
24	CHERYL F. SOLOMON						
25							

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1 SUPREME COURT
2 ALL COUNTIES WITHIN THE CITY OF NEW YORK
3
4 IN RE: NEW YORK CITY ASBESTOS LITIGATION
5
6
7

8 DEPOSITION UNDER ORAL
9 EXAMINATION OF
10 FREDERICK G. BROWN
11 (VOLUME II)
12
13
14

15 This Document Applies To:
16 FREDERICK G. BROWN
17 INDEX NO.: 190195 17
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21
22 PRIORITY ONE COURT REPORTING SERVICES, INC.
23 290 West Mt. Pleasant Ave, Suite 2260
24 Livingston, New Jersey 07039
25 (718) 983-1234

PRIORITY ONE REPORTING (718) 983-1234

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1 Transcript of the deposition of 2 the Plaintiff called for Oral Examination 3 in the above-captioned matter, said 4 deposition being taken pursuant to 5 Federal Rules of Civil Procedure by and 6 before CHERYL F. SOLOMON, a Notary Public 7 and Shorthand Reporter, at the Hampton 8 Inn, One North Avenue, Garden City, New 9 York, on Wednesday, December 20, 2017, 10 commencing at approximately 10:23 in the 11 forenoon.	1 LYNCH, DASKAL & EMERY, LLP Attorneys for Defendants 2 Goodyear Tire and Goodyear Canada 137 West 25th Street, 5th Floor 3 New York, New York 10001 BY: ALEXANDRA OHEH, ESQ 4 5 CULLEN & DYKMAN, LLP 6 Attorneys for Defendant Goulds 44 Wall Street 7 New York, New York 10005-2407 BY: JOSEPH ANCIOLILLO, ESQ 8 9 WILBRAHAM, LAWLER & BUBA, ESQS 10 Attorneys for Defendants Air & Liquid Systems Corp. and Kumak 11 1818 Market Street, Suite 3100 Philadelphia, Pennsylvania 19103 12 BY: NICHOLAS L. ORTIZ, ESQ 13 14 MARSHALL, DENNEHEY, WARNER, COLEMAN & COOGIN, P.C. 15 Attorneys for Defendants Bregg Webster Morse TEC LLC and Leviton 16 Manufacturing Corp. 105 Maxxess Road, Suite 303 Melville, New York 11747 17 BY: ANDREW WARSHAUER, ESQ 18 19 DARGER, ERRANTE, YAVITZ & BLAU, LLP 20 Attorneys for Defendants Amchem, CertainTeed and U.K.U. 21 116 East 27th Street, 12th Floor New York, New York 10016 22 BY: GENEVIEVE MACSTEELE, ESQ 23 24 25 Job No. 2744596
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1 APPEARANCES: 2 WEITZ & LUXENBERG, P.C. 3 Attorneys for Plaintiff 4 700 Broadway, 6th Floor 5 New York, New York 10001 6 BY: PATRICK J. FINLEY, ESQ 7 8 SEGAL, MCCAMBRIDGE, SINGER & MAHONEY, LTD. 9 Attorneys for Defendants RW/TP, Gardner Denver and Aurora Pump Company 10 850 Third Avenue, Suite 1100 11 New York, New York 10022 12 BY: URI CARNI, ESQ 13 14 AARONSON, RAPPAPORT, EBINSTEIN & DEUTSCH, LLP 15 Attorneys for Defendant Ford 600 Third Avenue 16 New York, New York 10016 17 BY: ILLIANOV LOPEZ LARANCIENT, ESQ 18 19 MALABY & BRADLEY, LLC 20 Attorneys for Defendant Blackmer 150 Broadway, Suite 600 21 New York, New York 10038 22 BY: MICHAEL CURTIS, ESQ 23 24 25 McGIVNEY, KLUGER & COOK, P.C. 26 Attorneys for Defendant DAP 80 Broad Street, 23rd Floor 27 New York, New York 10004 28 BY: RYAN SWEENEY, ESQ	1 BARRY, McTIERNAN & MOORE, ESQS Attorneys for Defendant 2 Clever Brooks, Inc 2 Reector Street 3 New York, New York 10006 BY: SHAWNETTE FLUITT, ESQ 4 5 KUROWSKI SHULTZ, LLC 6 Attorneys for Defendant American Bilrite 7 1405 Green Mount Road, Suite 400 O'Fallon, Illinois 62269 8 BY: ROBERT DEMEUSY, ESQ 9 10 VIA TELEPHONE: 11 12 LEADER & BIRKON, LLP 13 Attorneys for Defendants IMO Industries, Inc. and Warren Pumps LLC 14 630 Third Avenue, 17th Floor New York, New York 10017 15 BY: BRIAN CHIMENTES, ESQ 16 17 PASCAFFIA DIVITA PLLP 18 Attorneys for Defendant Bird Inc 2137 Route 35, Suite 290 Holmdel, New Jersey 07733 19 BY: BRADLEY E. BISHOP, ESQ 20 21 RENZULLI LAW FIRM, LLP 22 Attorneys for Defendant Pfizer, Inc 81 Main Street, Suite 508 White Plains, New York 10601 23 BY: DAVID PLACKE, ESQ 24 25

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1 Page 161
 1 McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP
 2 Attorneys for Defendant Eaton
 2 1300 Mount Kemble Avenue
 2 Morristown, New Jersey 07962-2075
 3 BY: DENISE D. HARRIS, ESQ.
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 1 F R E D E R I C K G. B R O W N ,
 2 the Plaintiff herein, having previously
 3 been duly sworn by the Notary Public, was
 4 examined and testified as follows:
 5 MR. WARSIAUER: Any statements for
 6 the record before we begin?
 7 (No verbal response given)
 8 CONTINUED DIRECT EXAMINATION
 9 BY MR. WARSIAUER:
 10 Q. Good morning again, Mr. Brown.
 11 A. Good morning.
 12 Q. Can you hear me okay?
 13 A. Sure.
 14 Q. Once again my name is Andrew
 15 Warshauer, I'm from the firm of Marshall,
 16 Dennehey, Warner, Coleman and Goggin, I
 17 represent a few of the defendants in this
 18 case. I'm going to continue with my
 19 questions this morning, when I'm finished
 20 some of the other attorneys in the room
 21 are going to have some additional
 22 questions for you.
 23 The same ground rules that were
 24 in effect yesterday are still in effect
 25 for today.

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 1 IT IS HEREBY STIPULATED, by and between
 2 the attorneys for the respective parties
 3 hereto, that filing, sealing and
 4 certification of the within Examination
 5 Before Trial be waived; that all objections,
 6 except as to form, are reserved to the time
 7 of trial.
 8 IT IS FURTHER STIPULATED AND AGREED that
 9 the transcript may be signed before any
 10 Notary Public with the same force and effect
 11 as if signed before a Clerk or Judge of the
 12 Court.
 13 IT IS FURTHER STIPULATED AND AGREED that
 14 all rights provided to all parties by the
 15 CPLR shall not be deemed waived and the
 16 appropriate sections of the CPLR shall be
 17 controlling with respect thereto.
 18 IT IS FURTHER STIPULATED AND AGREED by
 19 and between the attorneys for the respective
 20 parties hereto that a copy of the
 21 Examination shall be furnished, without
 22 charge, to the attorney representing the
 23 witness testifying herein.
 24
 25

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 1 A. Okay.
 2 Q. If you don't understand one of
 3 my questions, please ask me to rephrase
 4 and I will do so.
 5 A. Okay.
 6 Q. If you don't know the answer to
 7 one of my questions, "I don't know" is a
 8 perfectly acceptable answer. I don't
 9 want you to guess as to any answers. If
 10 you want to give an estimate that's fine
 11 but guessing is not necessary.
 12 If you could, please allow me to
 13 finish my question before you provide an
 14 answer since the reporter cannot take
 15 down both of our voices at the same time.
 16 And I would also ask that you keep your
 17 answers in verbal form as the reporter
 18 cannot take down a gesture or a nod or a
 19 shrug of the shoulders.
 20 Finally, if you need a break at
 21 any time during the course of my
 22 questions, let me know, let Patrick know,
 23 you can have as many breaks as you may
 24 need.
 25 A. Okay.

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1 Q. Do you understand these 2 instructions?		1 A. I believe it was a surgeon, I 2 think he did my carotid arteries, I'm not 3 sure. I got four surgeries in a six 4 month period.
3 A. Yes.		5 Q. It wasn't Dr. Jagger, Samantha 6 Jagger?
4 Q. Are you taking the same 5 medications today that you took 6 yesterday?		7 A. No. That's my blood doctor. 8 Q. Was it Dr. Gwertzman? 9 A. Yeah.
10 A. Yes.		10 Q. Gary Gwertzman?
11 Q. You took Simvastatin for 12 cholesterol?		11 A. Yeah, that was it. I only have 12 half a memory.
13 A. Yes.		13 Q. There's a "W" in there. 14 How long have you been seeing 15 Dr. Gwertzman?
14 Q. Did you take any Tylenol?		16 A. Oh, he did -- well, he did my 17 carotid arteries, I went out there once, 18 twice maybe and that's it.
15 A. Yes.		19 Q. We'll talk more about your 20 medical history in a little while.
16 Q. Anything else?		21 A. Okay.
17 A. I took a Xanax.		22 Q. Did you have an opportunity to 23 review your testimony from yesterday?
18 Q. You took a Xanax also?		24 A. No.
19 A. Yes. I got too confused 20 yesterday at the end and I'm never 21 confused.		25 Q. You didn't review the deposition
22 MR. FINLEY: That's okay.		
23 Q. You didn't mention Xanax as one 24 of the medications that you take.		
25 A. No, because that's the first		
1 time I took it in six or eight months, I 2 don't know.	Page 166	1 transcript? 2 A. No.
3 Q. So, you have it ready but you 4 don't normally take it?		3 Q. Did you have an opportunity to 4 think back about your testimony 5 yesterday?
5 A. Yeah. I have it already for a 6 year already if I want.		6 A. Yeah, I got a little confused 7 there.
7 Q. And why did you originally get a 8 prescription for Xanax?		8 Q. I'm going to continue today 9 talking to you about your medical history 10 and some other areas that we didn't get a 11 chance to cover yesterday.
9 A. There was a good reason for it 10 and I forgot. Either my daughter was 11 going through some heavy surgery, I don't 12 know, I forgot.		12 You mentioned briefly yesterday 13 that you were a smoker as well as many of 14 your family members; --
13 Q. How long ago did you get the 14 prescription?		15 A. Yes.
15 A. Oh, over a year ago.		16 Q. -- is that correct? How old 17 were you when you started smoking?
16 Q. Do you remember the name of the 17 doctor that gave you the prescription for 18 Xanax?		18 A. Twenty-one.
19 A. He's in there somewhere.		19 Q. So, that would have been around 20 1956 or so?
20 Q. Was it your family doctor?		21 A. Yeah. I was a nice, honest kid, 22 I waited.
21 A. No.		23 Q. Did you have a particular brand 24 that you favored when you first started 25 smoking?
22 Q. Do you know which doctor it was?		
23 A. I think it began with a "W."		
24 Q. Do you know what kind of doctor 25 he was?		

1 A. Pall Mall, Chesterfield.
 2 Q. And those were unfiltered,
 3 right?
 4 A. Right. Maybe once in a while
 5 Parliament, that was filtered.
 6 Q. When you first started smoking,
 7 on average how many cigarettes a day were
 8 you smoking?
 9 A. About a dozen but I think I went
 10 up to about a pack.
 11 Q. Now, according to the document
 12 provided to us in anticipation of this
 13 deposition, you were pretty much a pack a
 14 day smoker --
 15 A. Yeah.
 16 Q. -- throughout the entire period
 17 of time you were smoking; is that
 18 correct?
 19 A. Yeah.
 20 Q. Did you ever smoke more than a
 21 pack a day?
 22 A. Not really. I thought a pack, a
 23 pack a day was too much anyway, that's
 24 why I quit, I was coughing too much.
 25 Q. Did you start smoking at about

1 breaks?
 2 A. No. We just, we smoked right at
 3 the machine where we worked.
 4 Q. You were allowed to smoke --
 5 A. Yeah.
 6 Q. -- on the machinery, okay. And
 7 I take it that was also true when you
 8 were at United Vari in Freeport?
 9 A. Yeah.
 10 Q. You could smoke when you were
 11 operating the machinery?
 12 A. Right.
 13 Q. And some of your co-workers
 14 smoked as well?
 15 A. Yes.
 16 Q. How about when you switched and
 17 moved on to the sheet metal shop number
 18 17 at the Brooklyn Navy Yard in Brooklyn,
 19 were you allowed to smoke?
 20 A. I don't think so in there.
 21 Q. You don't think they let you
 22 smoke in the Brooklyn Navy Yard?
 23 A. No, because shop 17 was a pretty
 24 dusty, dirty shop, you know, where all
 25 the filings and stuff, we were cutting up

1 the same time you started working for
 2 United Vari?
 3 A. No, I don't think so, no.
 4 Q. Well, you told me yesterday you
 5 started working for United Vari in the
 6 mid-50s. Well, actually you said you
 7 started working for them, to be exact you
 8 said you started working for them around
 9 1953 at the 9th Street and Fifth Avenue
 10 location in Brooklyn.
 11 A. Oh, then I was smoking.
 12 Q. So, if you started smoking
 13 around '55 or '56 or so, you would have
 14 been working at the United Vari location
 15 on Union Street and Seventh Avenue in
 16 Brooklyn.
 17 A. Yeah, okay.
 18 Q. Were you allowed to smoke at
 19 work?
 20 A. Oh, yeah.
 21 Q. Did your co-workers smoke as
 22 well, some of them?
 23 A. Not all of them but some of
 24 them.
 25 Q. Did they give you smoking

1 and scraping and plining, plining the
 2 ends.
 3 Q. So, to the best of your
 4 recollection you weren't allowed to smoke
 5 in the shop?
 6 A. No, not in the Brooklyn Navy
 7 Yard.
 8 Q. Could you smoke on a break when
 9 you were outside of the shop?
 10 A. I'm not sure, I'm not sure on
 11 that.
 12 Q. And how about when you were
 13 working on the ships, say the USS
 14 Constellation, could you smoke when you
 15 were down in the spaces on the ships?
 16 A. I don't think. Maybe up on the
 17 decks in designated spots. The navy was
 18 very conscientious about any time they
 19 had work going on, they had a fire watch
 20 with a fire extinguisher, a military man
 21 and he stands by when you were doing your
 22 welding or whatever you were doing.
 23 Q. Do you recall smoking on any
 24 occasions while you were on the
 25 Constellation?

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1 A. I probably did.
 2 Q. Did some of your co-workers --
 3 A. The guys walked on the ships
 4 smoking.
 5 Q. Did some of your co-workers
 6 smoke as well?
 7 A. Oh, yeah, yes.
 8 Q. And when you were on those other
 9 unidentified ships, the small destroyers
 10 and some of the other ones whose names
 11 you can't recall, do you recall smoking
 12 on occasion there too?
 13 A. I think, yeah, yeah.
 14 Q. And some of your co-workers
 15 smoked as well?
 16 A. When I was smoking I really
 17 liked to smoke.
 18 Q. And I take it you continued to
 19 smoke when you were in the US Air Force;
 20 is that correct?
 21 A. Oh, yeah.
 22 Q. Did they give you cigarettes?
 23 A. No.
 24 Q. The military didn't provide you
 25 with cigarettes?

1 was. Someone got in the office working,
 2 I was good at my typing, they liked my
 3 type because they only had manual
 4 typewriters and that's what I learned on.
 5 MR. FINLEY: He's just asking now
 6 about the smoking.
 7 Q. I'm just talking to you about
 8 smoking right now, sir. When you were
 9 doing your typing work, you were able to
 10 smoke at the same time?
 11 A. Oh, yeah. Smoke and drank
 12 coffee all day.
 13 Q. And how about when you went back
 14 to United Vari for that brief period of
 15 time after you left the air force?
 16 A. Yeah, no change, same thing.
 17 Q. You still smoked?
 18 A. Yeah.
 19 Q. And some of your co-workers
 20 smoked as well?
 21 A. Yeah.
 22 Q. And I take it when you were a
 23 firemen out of Engine 202, you were
 24 allowed to smoke in the firehouse?
 25 A. Oh, yeah.

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1 A. No.
 2 Q. You had to buy your own?
 3 A. Yeah. Well, you had a discount
 4 price.
 5 Q. So, you smoked when you were
 6 going through basic training at Sampson
 7 Air Force Base?
 8 A. Yeah.
 9 Q. And I take it some of your
 10 fellow servicemen or women also smoked?
 11 A. Yeah.
 12 Q. Did you smoke at Langley in
 13 Virginia?
 14 A. Yeah. The basic training was
 15 finished then.
 16 Q. Right. When you went to Langley
 17 you continued to smoke at the base?
 18 A. Yeah.
 19 Q. And I take it some of your
 20 fellow servicemen and women also smoked?
 21 A. Yeah, and everything else.
 22 Q. How about when you were at the
 23 bases in Germany, were you smoking then
 24 as well?
 25 A. Oh, yeah. Totally independent I

1 Q. And some of your fellow firemen
 2 smoked as well?
 3 A. Yeah, sure.
 4 Q. And when you did that side work
 5 at the residential home projects in
 6 Manhattan and Brooklyn and Queens for
 7 Fred Brown Painting, you smoked on some
 8 of those jobs?
 9 A. Yeah.
 10 Q. Unless the homeowner told you
 11 they didn't want you to smoke.
 12 A. Yeah, right.
 13 Q. How long did you smoke
 14 cigarettes for?
 15 A. Oh, I would say 25 years.
 16 Q. So, if you started in '56 or so,
 17 that would place you smoking until about
 18 1981 or so, the early 80s?
 19 A. '56, why would I start --
 20 Q. Well, you told me you started at
 21 age 21.
 22 A. Yeah.
 23 Q. That would be '56. Do you think
 24 you started earlier than that?
 25 A. I thought I did.

1 Q. Well, you told me originally at
2 the age of 21, do you think you were a
3 little younger when you started smoking?
4 A. I might have been, maybe 18.
5 Q. Were you smoking when you were
6 in high school?
7 A. No.
8 Q. Right after you graduated high
9 school?
10 A. Maybe.
11 Q. Sometime in the middle portion
12 of the 50s?
13 A. Okay.
14 Q. Well again, I wasn't there, I
15 don't know. I don't want to put words in
16 your mouth, so don't necessarily agree
17 with me, I just want to know what the
18 best of your recollection is. Do you
19 think you started smoking just after you
20 left high school?
21 A. Yeah, I would have difficulty
22 with a yes or no.

23 MR. FINLEY: Use your high school
24 graduation as an anchor point, was it
25 before your high school graduation or

1 Parliament filtered cigarettes when you
2 stopped?
3 A. Probably. A few other brands.
4 Q. What else?
5 A. I shouldn't have said that.
6 MR. FINLEY: It's what you
7 remember.
8 Q. According to this --
9 A. Wings, there were wings.
10 Q. Wings, you smoked Viceroy
11 occasionally?
12 A. Viceroy, yeah.
13 Q. And how about Marlboro?
14 A. Marlboro, yeah. If you give me
15 names, I could let you know.
16 Q. So, in other words, you didn't
17 really have a favorite, you varied
18 between a bunch of different brands?
19 A. Yeah. All the young kids and
20 stuff, everybody was bumming from
21 everybody else.
22 Q. Did you smoke more filtered
23 cigarettes than unfiltered cigarettes?
24 A. Oh, that's a toughy. Probably
25 later on I smoked more filtered.

1 after?
2 A. What was my graduation again?
3 Q. Well, you didn't have an exact
4 date I don't think but told me you
5 thought you graduated around 1953 or so.
6 A. That's right, '53, I have a ring
7 at home.
8 Q. And did you start smoking just
9 after that?
10 A. Yeah, I would say so.
11 Q. And to the best of your
12 recollection you smoked for about 25
13 years?
14 A. Yeah.
15 Q. So, that would place us around
16 1978 at the time you stopped, do you
17 think that was right?
18 A. Yeah, I guess so, yeah.
19 MR. FINLEY: If you're not sure,
20 you're not sure. You think it was about
21 25 years?
22 THE WITNESS: Yeah, I think 25
23 years.
24 Q. Were you still smoking Pall Mall
25 and Chesterfield and occasionally

1 Q. And at the beginning more
2 unfiltered?
3 A. Yeah.
4 Q. What led you to finally quit?
5 A. Coughing so much. I coughed so
6 much in the morning, I threw up, close to
7 throwing up. Once I stopped coughing I
8 felt good.
9 Q. Did you use any type of smoking
10 cessation device to help you quit?
11 A. No.
12 Q. Cold turkey?
13 A. Cold turkey. I took up cigars
14 at that time. Just threw them all out at
15 once.
16 Q. Did you smoke cigars?
17 A. Yeah.
18 Q. When did you start smoking
19 cigars?
20 A. I smoked cigars, a pipe. Pipe
21 was the last thing.
22 Q. Were you smoking cigars at the
23 same time you were smoking cigarettes?
24 A. No, no, I smoked -- switched
25 over.

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1 Q. So, you stopped smoking 2 cigarettes around 1978 or so and you 3 switched to cigars; is that correct? 4 A. I think I switched to pipes 5 first. 6 Q. You switched to a pipe, okay. 7 So, in 1978 or so you switched to smoking 8 a pipe? 9 A. Yeah. 10 Q. How long did you smoke a pipe 11 for? 12 A. Probably about three or four 13 years. 14 Q. So, till the early 80s? 15 A. Yeah. 16 Q. Do you recall how many bowls of 17 pipe tobacco a day you went through? 18 A. About eight or ten. 19 Q. Now, you were still working as a 20 fireman during the period of time you 21 were smoking a pipe; is that correct? 22 A. Yes. 23 Q. I take it you were able to smoke 24 a pipe in the firehouse? 25 A. Yeah.	1 A. That sounds good. 2 Q. Why did you stop smoking a pipe? 3 A. I got tired of it. 4 Q. Were you still coughing? 5 A. I was coughing and I had to bite 6 on my tongue and it was horrible. I 7 don't know why I ever started. 8 Q. And at that point you switched 9 to cigars? 10 A. Yeah, cigars is the last. 11 Q. And you switched to cigars after 12 you stopped smoking a pipe; is that 13 correct? 14 A. Yeah. One at a time. 15 Q. So, around '82 or so you 16 switched to cigars, correct? 17 A. Yeah. 18 Q. How long did you smoke cigars 19 for? 20 A. Until I quit. 21 Q. When did you finally quit using 22 any tobacco products? 23 A. What year are we in now, '82? 24 Q. You told me you switched from a 25 pipe to cigars around 1982 or so.
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1 Q. And some of your co-workers or 2 colleagues were still smoking cigarettes 3 at that time I take it, -- 4 A. Yeah. 5 Q. -- correct? 6 A. Yeah. 7 Q. Did any of them smoke a pipe? 8 A. Not really, I was really the 9 oddball one. Oh, yeah, my captain. 10 Q. Your captain smoked a pipe also, 11 okay. And when you were doing that side 12 work on the residential homes in Brooklyn 13 or Manhattan or Queens, you were able to 14 smoke a pipe at times during some of that 15 work, correct? 16 A. Depending on who the people 17 were. 18 Q. Unless the homeowners didn't 19 want you smoking -- 20 A. Right. 21 Q. -- in the house. 22 So, you smoked a pipe from 23 approximately 1978 for three or four 24 years into the early 1980s; is that 25 correct?	1 A. Yeah, I quit around 1985, I 2 think that was all. 3 Q. Were you still smoking cigars 4 when you retired from your work as a 5 fireman? 6 A. No, no, I quit. 7 Q. You quit before that? 8 A. Yeah. 9 Q. So, to the best of your 10 recollection you stopped smoking cigars 11 around 1985 or so? 12 A. Yeah, '85, '86. 13 Q. So, you smoked for three or four 14 years? 15 A. Yeah. 16 Q. A cigar? 17 A. Yeah. 18 Q. Did you have a particular brand 19 of cigars that you favored? 20 A. I had but I can't remember. 21 Blunts. I can't remember. 22 Q. Blunts? 23 A. It's like a short cigar. 24 Q. Yes. 25 A. So common that I can't remember

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1 at this point.
2 Q. How many cigars a day did you go
3 through?
4 A. Oh, I went through probably
5 eight or ten.
6 Q. Eight to ten, okay. And did you
7 stop smoking a pipe and stop smoking
8 cigars on your own you just quit cold
9 turkey?
10 A. Yeah, everything.
11 Q. You never used any smoking
12 cessation devices?
13 A. No.
14 Q. When you were smoking
15 cigarettes, did you see warning labels on
16 the sides of cigarette packaging?
17 A. Yeah.
18 Q. Do you remember what they said?
19 A. Attorney General says that might
20 be hazardous to your health.
21 Q. And did you continue to smoke
22 after seeing those warnings?
23 A. Yeah. Everybody smoked.
24 Q. Did they also have warnings on
25 the packaging for the cigars?

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1 A. Not that I noticed.
2 Q. How about on the bowls of the
3 pipe tobacco, do you recall any warnings
4 on the bowls of the pipe tobacco?
5 A. No.
6 Q. Just on the cigarette packaging?
7 A. Yeah.
8 Q. While you were still smoking,
9 whether it was cigars or a pipe or
10 cigarettes, did any doctor ever advise
11 you to cut back or to quit smoking?
12 A. Offhand I can't remember any
13 doctor.
14 Q. You don't recall any doctor ever
15 asking you to quit?
16 A. No. I recall doctors on the
17 other side of the table smoking while he
18 was talking to me.
19 Q. You recall some of your doctors
20 smoking?
21 A. Yeah.
22 Q. Do you recall any family member
23 ever asking you to quit smoking?
24 A. No, because my sister and my
25 mother and my father smoked.

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1 Q. Because most of your family
2 members were smoking along with you?
3 A. Yeah.
4 Q. And in fact, some of your family
5 members continued to smoke after you
6 quit; is that correct?
7 A. Oh, yeah. I was the first one
8 to quit.
9 Q. You were the first one of your
10 family to quit?
11 A. Yeah.
12 Q. Your wife continued to smoke
13 after you quit?
14 A. Yeah, yeah. When she got fed up
15 with it, she quit.
16 Q. We spent most of the day
17 yesterday talking about the different
18 places you worked and the different
19 places you served in the military and the
20 different places you lived over the
21 course of your lifetime.
22 A. Yes.
23 Q. And you told me about the
24 different ways you think you may have
25 come into contact with asbestos over the

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1 course of your lifetime.
2 A. Yes.
3 Q. As you sit here right now, is
4 there any other way you think you may
5 have come into contact with asbestos over
6 the course of your lifetime that we
7 haven't already talked about?
8 (All defendants object)
9 A. I don't know, I don't really
10 know.
11 Q. Now again, your attorney
12 provided us with a document prior to this
13 deposition that lists the different
14 places you worked, the different places
15 you lived, some of the doctors you
16 visited over your lifetime and in that
17 document there's some reference to you
18 doing some work on cars. Did you ever do
19 any work on automobiles?
20 A. Yeah.
21 Q. We haven't already talked about
22 that, correct?
23 A. Right, I did it myself.
24 Q. Now, is this work you did for
25 pay or just a hobby, something you did on

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1 the side?
 2 A. I did it, I did it on my own
 3 cars to save money. And then being in
 4 the firehouse, they had a long driveway
 5 and I was a pretty good mechanic, the
 6 fellows, they always asked me to help
 7 them out and put in a disk or a plate or
 8 whatever we were using.

9 Q. You just mentioned the
 10 firehouse, did you ever do any work on
 11 your own vehicles prior to being a
 12 fireman?

13 A. No, not really. I learned a lot
 14 from them.

15 Q. So, the first time you ever did
 16 any work on your vehicles would have been
 17 after you started working as a fireman
 18 for New York City, correct?

19 A. Yeah. But I usually, I mean,
 20 used to do little jobs, you know, I don't
 21 think I did clutches or transmission or
 22 anything like that.

23 Q. And when you say little jobs,
 24 what are you talking about, you're
 25 talking about changing the oil?

1 worked on vehicles that you personally
 2 owned?
 3 A. That I personally owned?
 4 Q. In other words, were they all
 5 your vehicles?

6 A. Yeah. But I did help out
 7 friends with their vehicles. Now I can't
 8 even help myself out.

9 Q. Do you believe that any of the
 10 auto work that you did, either on your
 11 own vehicles or assisting some friends,
 12 perhaps some fellow firefighters with
 13 their vehicles, in any way caused you to
 14 come into contact with asbestos?

15 A. Oh, no, I don't think so.
 16 Possibly with the brakes, a clutch.

17 Q. Well, a lot of things are
 18 possible. As you --

19 A. Well, I'm saying that they
 20 contained asbestos.

21 Q. Can you list for me the
 22 different vehicles you recall doing work
 23 on that you think may have caused you to
 24 come into contact with an asbestos part
 25 or component?

1 A. Yeah.

2 Q. Changed spark plugs?

3 A. Yeah. Even the points in the
 4 regular -- I could do that.

5 Q. Did you change plugs or points?

6 A. Yeah.

7 Q. Did you change tires?

8 A. Oh, sure.

9 Q. Did you change filters?

10 A. Yes.

11 Q. How about belts or hoses?

12 A. Yes. I did a lot.

13 Q. And did you typically do this
 14 work outside of your house, at the fire
 15 department?

16 A. At the firehouse, we had a long
 17 alley.

18 Q. So, most of the work that you
 19 did on your cars, your personal vehicles
 20 would have been done at the firehouse?

21 A. Yeah, because if I got stuck I
 22 could ask somebody.

23 Q. Did you ever do any body work?

24 A. Yeah.

25 Q. Were all the vehicles that you

1 A. I don't know, had to be all the
 2 cars that I owned.

3 Q. Let's focus on the period of
 4 time that you were a member of the fire
 5 department, --

6 A. Okay.

7 Q. -- okay? Can you list for me
 8 the different vehicles you owned during
 9 that period of time?

10 A. Well, I know I started off with
 11 a '41 Ford.

12 Q. Okay, 1941 Ford, what else did
 13 you own during the period of time that
 14 you worked for the fire department that
 15 you think you did work on?

16 A. I had two Buick's.

17 Q. So, a 1941 Ford, two Buick's.

18 A. Yeah.

19 Q. What else?

20 A. I had a Pontiac convertible.

21 Q. Okay.

22 A. I had a Ford van for twelve
 23 years.

24 Q. Anything else?

25 A. I think that's about it. I

<p style="text-align: right;">Page 193</p> <p>1 probably could think of a couple more but 2 now I don't know. 3 Q. If you think of any others, let 4 me know. 5 A. Okay. 6 Q. So far we have a 1941 Ford, two 7 Buick's, a Pontiac convertible and a Ford 8 van. 9 A. Okay. 10 Q. The 1941 Ford, I take it you 11 purchased that used, correct? 12 A. Yeah. 13 Q. Do you remember what year you 14 purchased it? 15 A. Oh, that was -- I bought the car 16 for \$50, that should give you... 17 Q. Do you remember who you bought 18 it from? 19 A. Some guy from Bay Ridge. 20 Q. Do you remember what year you 21 bought it or how old you were when you 22 bought it? 23 A. I was probably just about, 24 probably about 19 or 20. 25 Q. So, that would have been around</p>	<p style="text-align: right;">Page 195</p> <p>1 vehicle, the 1941 Ford, like change the 2 oil? 3 A. Oh, yeah. 4 Q. You changed spark plugs on that 5 vehicle? 6 A. Yeah. 7 Q. How about plugs or points? 8 A. Yes. 9 Q. Did you change tires on that 10 vehicle? 11 A. Yeah. 12 Q. Did you change filters on that 13 vehicle? 14 A. Yeah. 15 Q. Did you change belts and hoses 16 on that vehicle? 17 A. Right. 18 Q. Now, most of the time you owned 19 this vehicle, you weren't working for the 20 fire department? 21 A. Yeah. 22 Q. Where did you do this work? 23 A. In the street. 24 Q. Outside of your home? 25 A. Yeah.</p>
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<p style="text-align: right;">Page 194</p> <p>1 1955 or so? 2 A. Yeah. That was my first car. 3 Q. And I take it you didn't do any 4 work on that vehicle until you started 5 working for the fire department? 6 A. Oh, no, no. I would have worked 7 United Vari-Crafts and I was using the 8 Ford in all that. 9 Q. How long did you own the 1941 10 Ford? 11 A. That's a tough question, '41 12 Ford is many years ago. 13 Q. I understand but approximately 14 how many years did you own it? 15 A. I probably owned it about six or 16 eight years. 17 Q. So, that would have been from 18 around the age of 20, which would be 19 around 1955, till around the early 1960s; 20 does that sound about right? 21 A. Yeah. Everybody used it, it was 22 a street car, street box car. They 23 weren't too tough with insurance, guys 24 could borrow the car no problem. 25 Q. Did you do things on that</p>	<p style="text-align: right;">Page 196</p> <p>1 Q. And you were living at 438 69th 2 Street at that time? 3 A. Right. We'd go up to the park, 4 63rd Street, three or four guys with 5 cars, all friends would meet and then we 6 would work on cars. 7 Q. Do you remember the names of any 8 of the friends that helped you with your 9 cars? 10 A. No. They're probably all dead. 11 I could give you the names, George 12 Gunderson. 13 Q. George Gunderson? 14 A. Yeah. 15 Q. Anybody else? 16 A. Johnny Hoben. 17 Q. Johnny? 18 A. Hoben; H-O-B-E-N. 19 Q. Anybody else? 20 A. Louie Thomas. I don't know, I 21 could give you another 20 I think. 22 Q. Are all these individuals 23 deceased? 24 A. I don't know, I haven't seen 25 them, I've been living in Breezy Point.</p>
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<p style="text-align: right;">Page 197</p> <p>1 Q. So, you don't know if they're 2 still alive? 3 A. I don't know. 4 Q. Do you have any reason to 5 believe that any of the work you did on 6 the 1941 Ford either outside of your home 7 in Bay Ridge or perhaps during the first 8 year or two that you worked at the 9 firehouse in any way caused you to come 10 into contact with asbestos, just on the 11 '41 Ford? 12 A. No. 13 Q. Now, you also mentioned two 14 Buick's, can you be more specific as to 15 the types of Buick's they were; in other 16 words, the model? 17 A. Yeah, I think -- I can't think 18 of the sub-name, what they were. There 19 was a four door and I think a two door 20 because they had very big doors. 21 Q. The two door was a coupe? 22 A. Yeah. 23 Q. Do you remember the model of the 24 coupe? 25 A. No.</p>	<p style="text-align: right;">Page 199</p> <p>1 '41 Ford till the early 60s which would 2 have been about the time you started 3 working for the fire department. So, do 4 you think you owned the four door Buick 5 during the early portion of the years you 6 worked for the New York City Fire 7 Department? 8 A. I don't think so. A little 9 earlier now in those things but I don't 10 think I had the '41 Ford down at the 11 firehouse. 12 Q. So, you don't think you had the 13 '41 Ford down at the firehouse? 14 A. No. 15 Q. Do you think you owned the four 16 door Buick at any time that you were 17 working as a fireman? 18 A. No. I worked -- I owned the 19 Buick convertible, I remember taking that 20 to Virginia on a few trips. 21 Q. Was that the coupe, the two 22 door? 23 A. Yeah. 24 Q. Which did you own first, the 25 four door or the two door?</p>
<p style="text-align: right;">Page 198</p> <p>1 Q. Do you remember the year of the 2 vehicle? 3 A. No. 4 Q. Did you purchase both vehicles 5 used? 6 A. Yes. 7 Q. Do you recall the year of either 8 the two door or the four door? 9 A. No. I couldn't afford a new 10 car. 11 Q. How old were you when you 12 purchased the four door Buick? 13 A. Probably over 18, I don't know, 14 25. 15 Q. This was after the '41 Ford? 16 A. Oh, yeah, yeah. 17 Q. You didn't own it at the same 18 time? 19 A. No. 20 Q. So, you owned the four door 21 Buick during the period of time you were 22 working as a fireman, correct? 23 A. No, no. Four door -- maybe I 24 did, I'm not sure. 25 Q. Well, you told me you owned the</p>	<p style="text-align: right;">Page 200</p> <p>1 A. I think the four door. 2 Q. And how many years did you own 3 the four door? 4 A. Probably about three. 5 Q. And this was before you were a 6 fireman? 7 A. I was a fireman. 8 Q. You were a fireman when you 9 owned the four door? 10 A. Yeah. 11 Q. Let's just talk about the four 12 door Buick first. Did you do things -- 13 A. I got them mixed up now. I was 14 in the air force. 15 Q. Do you think you were in the air 16 force when you -- 17 A. Yes. 18 Q. -- owned the four door Buick? 19 A. Because I used to make trips 20 from Langley, Virginia. 21 Q. So, if you were in the air 22 force, that would place us around 1959 to 23 1961 or 2; does that sound about right? 24 A. Okay. 25 Q. Did you own the four door Buick</p>

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1 throughout the entire period of time you
 2 were in the air force?
 3 A. No. Once I shipped overseas I
 4 got rid of all my cars.
 5 Q. So, you would have only owned
 6 the four door Buick before you went to
 7 Germany?
 8 A. Yes.
 9 Q. Which would put us in the late
 10 50s?
 11 A. Yes.
 12 Q. And I take you did things like
 13 change the oil on that car?
 14 A. Yeah, changed stuff.
 15 Q. You changed the spark plugs?
 16 A. Yes.
 17 Q. Did you do plugs and points on that
 18 vehicle?
 19 A. Yes.
 20 Q. Did you change tires on that
 21 vehicle?
 22 A. Yes.
 23 Q. Did you change filters and belts
 24 and hoses on that vehicle?
 25 A. Yes.

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1 A. Yeah. I got newer cars when I
 2 came back.
 3 Q. I take it you purchased the two
 4 door Buick used as well?
 5 A. Yeah. I don't know if I
 6 purchased that before I went to Europe or
 7 what.
 8 Q. Well, you told me you think you
 9 owned it before you went into the air
 10 force; is that incorrect?
 11 A. (No verbal response given)
 12 Q. In other words, do you remember
 13 where you drove the two door Buick to and
 14 from?
 15 A. Yeah, I must have, I must have.
 16 No, I drove that around Brooklyn.
 17 Q. So, would that have been before
 18 or after you were in the service?
 19 A. No. Yeah, that was when I was
 20 in the service I used that car.
 21 Q. You used the two door when you
 22 were in the service?
 23 A. Yeah.
 24 Q. And this would have been before
 25 you went overseas?

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1 Q. Any body work on that vehicle?
 2 A. Probably, probably some body
 3 work but I don't remember.
 4 Q. You don't remember the body
 5 work, okay. Do you have any reason to
 6 believe that any of the work you did on
 7 the four door Buick that you owned when
 8 you were in the air force prior to going
 9 overseas in any way caused you to come
 10 into contact with asbestos?
 11 A. No. I never did any grinding on
 12 it or anything.
 13 Q. Now, you also told me that you
 14 owned a two door Buick; is that correct?
 15 A. Yeah.
 16 Q. Did you own that vehicle after
 17 you got back from the air force?
 18 A. No, no.
 19 Q. When did you own that vehicle?
 20 A. Sometime before I went overseas.
 21 Q. So, this was also before you
 22 went overseas?
 23 A. Yeah.
 24 Q. So, this would have been mid to
 25 late 50s again?

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1 A. Right.
 2 Q. Once again, did you do things
 3 like change the oil and spark plugs on
 4 that vehicle?
 5 A. Yes.
 6 Q. And you changed points on that
 7 vehicle?
 8 A. Yes.
 9 Q. Did you change any tires on that
 10 vehicle?
 11 A. Yes.
 12 Q. How about filters or belts or
 13 hoses?
 14 A. Yes.
 15 Q. Did you do any body work on that
 16 vehicle?
 17 A. Yes.
 18 Q. Do you have any reason to
 19 believe that any of the work you did on
 20 the two door Buick prior to going
 21 overseas in the air force in any way
 22 caused you to come into contact with
 23 asbestos?
 24 A. No.
 25 Q. So, we've talked about the '41

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1 Ford and we've talked about the two 2 Buick's. You also told me that at some 3 point in time you owned a Pontiac 4 convertible; is that correct?	1 individually? 2 A. Right. 3 Q. Focusing on the Pontiac 4 convertible, did you change the oil on 5 that car?
5 A. Yes. 6 Q. Do you remember the year of the 7 Pontiac convertible? 8 A. No. 9 Q. When did you own that vehicle? 10 A. I don't know. Let's see, in 11 between -- I don't know, that's a hard 12 question for me.	6 A. Yes. 7 Q. Did you change spark plugs and 8 points on that car? 9 A. Yes. 10 Q. Did you change tires on that 11 car? 12 A. Yes. 13 Q. Did you change filters on that 14 car? 15 A. Yes. 16 Q. Did you change belts and hoses 17 on that car? 18 A. Yes. 19 Q. Did you do any body work on that 20 car? 21 A. Yes. On all the cars. 22 Q. Do you have any reason to 23 believe that any of the work that you 24 personally did on the Pontiac convertible 25 in any way caused you to come into
13 MR. FINLEY: Take your time. 14 Q. Sure. 15 A. I don't know. 16 Q. Let me try to help you. Did you 17 own the Pontiac convertible before or 18 after you became a New York City 19 firefighter? 20 A. I owned that before. 21 Q. You owned that vehicle before 22 you were a firefighter also? 23 A. I think so, yeah, I'm pretty 24 sure. 25 Q. You owned a lot of vehicles	
1 before you were a firefighter; is that 2 correct? 3 A. Yeah. They're only secondhand 4 cars. 5 Q. I understand that. You 6 purchased that vehicle used I take it? 7 A. Yeah. 8 Q. Do you remember who you 9 purchased it from? 10 A. No. 11 Q. Do you remember how long you 12 owned it? 13 A. The Pontiac? 14 Q. The Pontiac convertible. 15 A. I owned that probably about two 16 years. 17 Q. And this was prior to going 18 overseas? 19 A. Yeah. I spent a year in 20 Langley, Virginia. 21 Q. I understand that. Were there 22 times where you owned more than one car 23 at a time before you went overseas? 24 A. No. 25 Q. So, all these cars were owned	1 contact with an asbestos part or 2 component? 3 A. No, I don't think so. 4 Q. You also told me you owned a 5 Ford van and you owned that for about 6 twelve years, a long time. 7 A. Right. 8 Q. Did you own this vehicle while 9 you were a New York City firefighter? 10 A. Yeah. 11 Q. This was one of the vehicles you 12 were driving when you were a firefighter? 13 A. Yes. 14 Q. Did you purchase the Ford van 15 new or used? 16 A. Used. 17 Q. Do you remember what year you 18 purchased it? 19 A. No, I don't remember. 20 Q. Do you remember who you 21 purchased it from? 22 A. Some guy in New Jersey but I 23 don't know. 24 Q. You said you owned the vehicle 25 for about twelve years, can you give me

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1 an estimate as to the period of time you
 2 owned that vehicle; in other words, when
 3 did those twelve years occur?
 4 A. I don't know. I know I got rid
 5 of it just before I was getting out of...
 6 Q. Just before you were --
 7 A. Getting out of the service, out
 8 of the...
 9 Q. Now I'm confused. You got rid
 10 of the Ford van before you got out of the
 11 service?
 12 A. (No verbal response given)
 13 Q. That doesn't really make any
 14 sense because if you said you owned that
 15 vehicle for twelve years, I don't think
 16 it's possible that you could have gotten
 17 rid of it before you left the service?
 18 A. I owned it for a long time, I
 19 know that.
 20 Q. I understand that. Did you own
 21 the Ford van while you were a New York
 22 City fireman?
 23 A. Oh, yes.
 24 Q. So, this would have been after
 25 the service?

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1 A. Yeah. Because I was -- I worked
 2 on the Ford van in the fire department
 3 driveway.
 4 Q. In the long driveway outside --
 5 A. Yeah.
 6 Q. -- of the fire department?
 7 A. Yeah. And I worked in there for
 8 years.
 9 Q. Now, this Ford van, did you own
 10 it during the early, the middle or the
 11 latter portion of your tenure with the
 12 fire department?
 13 A. That's what I was trying to
 14 project the next question because I knew
 15 it was coming.
 16 Q. In other words, was this towards
 17 the end of your years with the fire
 18 department?
 19 A. Getting close, I don't know how
 20 close.
 21 Q. Do you think you owned this Ford
 22 van in the 1970s or the 1980s?
 23 A. Oh, yeah, I think 1980s, I
 24 think.
 25 Q. Do you remember what year you

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1 sold it?
 2 A. No, I don't.
 3 Q. Do you remember who you sold it
 4 to?
 5 A. No. We used to take a lot of
 6 trips upstate with it, you know.
 7 Q. Did you do things like change
 8 the oil on that vehicle?
 9 A. Yeah.
 10 Q. Did you change spark plugs and
 11 points on that vehicle?
 12 A. Yeah, all of that.
 13 Q. You changed tires?
 14 A. Yeah.
 15 Q. You changed filters and belts
 16 and hoses?
 17 A. Yeah.
 18 Q. Did you do any body work on that
 19 vehicle?
 20 A. Yeah.
 21 Q. Did you ever change a starter or
 22 an alternator on that vehicle?
 23 A. Oh, yeah, starter, yeah.
 24 Q. You changed a starter?
 25 A. Oh, yeah. When it didn't work,

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1 I hit it with a hammer and it would work.
 2 Q. And you did most of this work in
 3 the driveway of the firehouse you were
 4 working at?
 5 A. Or wherever it happened, I had
 6 to do that on a thruway. The starter was
 7 -- got hung up on the first spot but I
 8 knew how to fix it with a hammer.
 9 Q. Do you think any of the work
 10 that you did on the Ford van that you
 11 owned for twelve years in any way caused
 12 you to come --
 13 MR. WARSHAUBER: Strike that.
 14 Q. Do you think that any of the
 15 work that you personally performed on the
 16 Ford van in any way caused you to come
 17 into contact with an asbestos-containing
 18 part or component?
 19 A. I don't think so.
 20 Q. Do you recall any other vehicle
 21 you owned during your lifetime that you
 22 personally did automotive maintenance or
 23 repair work on?
 24 A. I got to tell you about my Ford
 25 van, they had asbestos in the brake shoes

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<p style="text-align: right;">Page 213</p> <p>1 and everything.</p> <p>2 Q. Did you ever do any brake work</p> <p>3 on the Ford van?</p> <p>4 A. Oh, sure.</p> <p>5 Q. Well, you haven't told me about</p> <p>6 that, you got to tell me these things.</p> <p>7 A. I did a lot of brake work.</p> <p>8 Q. How many times do you think you</p> <p>9 did a brake job on the Ford van?</p> <p>10 A. In twelve years?</p> <p>11 Q. Yes.</p> <p>12 A. I don't know, about 30 times</p> <p>13 because I hauled a lot of stuff.</p> <p>14 Q. Were you tough on brakes?</p> <p>15 A. Yeah. Well, I used to do</p> <p>16 roofing too, I would carry 500 pounds in</p> <p>17 there, 500, 1,000 pounds.</p> <p>18 Q. You used to carry roofing</p> <p>19 materials --</p> <p>20 A. Roofing.</p> <p>21 Q. -- in the Ford van?</p> <p>22 A. Rolls of roofing material or for</p> <p>23 shingles.</p> <p>24 Q. Now, you didn't -- you only</p> <p>25 briefly or I think on one occasion</p>	<p style="text-align: right;">Page 215</p> <p>1 of your fellow firefighters that assisted</p> <p>2 you?</p> <p>3 A. Ralph Lombardi.</p> <p>4 Q. Anyone else?</p> <p>5 A. No. Funny names, I can't</p> <p>6 remember.</p> <p>7 Q. Just Mr. Lombardi?</p> <p>8 A. Yeah, Lombardi.</p> <p>9 Q. What tools would you use to</p> <p>10 perform a brake job?</p> <p>11 A. Oh, well, we had spring</p> <p>12 releases.</p> <p>13 Q. What else?</p> <p>14 A. Coil clips, coil clips.</p> <p>15 Q. What else?</p> <p>16 A. And a special screwdriver wrench</p> <p>17 that would take off the washer that was</p> <p>18 holding the pads on.</p> <p>19 Q. Did this Ford van take brake</p> <p>20 pads?</p> <p>21 A. Yes, brake pads.</p> <p>22 Q. Didn't use drum type brakes, it</p> <p>23 took pads?</p> <p>24 A. No, I don't think -- no, took</p> <p>25 brake pads. I changed the drum types.</p>
<p style="text-align: right;">Page 214</p> <p>1 yesterday you mentioned roofing work but</p> <p>2 then you didn't tell me that you did that</p> <p>3 work when you were doing that side work</p> <p>4 at the residential homes, so we'll come</p> <p>5 back to that in a minute.</p> <p>6 A. I did roofing from day one.</p> <p>7 Q. I'll come back to that in a</p> <p>8 minute, let me --</p> <p>9 (All defendants move to strike the</p> <p>10 non-responsive portions)</p> <p>11 Q. Let me finish up with the brake</p> <p>12 work on the Ford van.</p> <p>13 A. Sure.</p> <p>14 Q. You estimated you did about 30</p> <p>15 brake jobs on that Ford van?</p> <p>16 A. Yeah.</p> <p>17 Q. Was all of the brake work you</p> <p>18 did on the Ford van done outside of the</p> <p>19 firehouse that you worked at?</p> <p>20 A. Yes.</p> <p>21 Q. Did anyone such as any of the</p> <p>22 other firemen ever assist you with any of</p> <p>23 the brake work?</p> <p>24 A. Oh, yeah, they helped me.</p> <p>25 Q. Do you remember the names of any</p>	<p style="text-align: right;">Page 216</p> <p>1 Q. But this Ford van took pads?</p> <p>2 A. Yeah. But I had cars that was</p> <p>3 drum.</p> <p>4 Q. I understand you had other</p> <p>5 vehicles but we're just focusing on the</p> <p>6 Ford van right now.</p> <p>7 A. Okay.</p> <p>8 Q. How long would it take you start</p> <p>9 to finish to change the brakes on the</p> <p>10 van?</p> <p>11 A. All four wheels?</p> <p>12 Q. Well, did you do all four wheels</p> <p>13 every time you changed the brakes?</p> <p>14 A. No, I generally would do is take</p> <p>15 off two wheels. I had another car in the</p> <p>16 firehouse in the garage and we would pull</p> <p>17 off all four wheels, get them turned</p> <p>18 down, bring them back and put them on,</p> <p>19 you know, with the new pads and the new</p> <p>20 turn down drums.</p> <p>21 Q. Is there any part of the process</p> <p>22 in performing a brake replacement job on</p> <p>23 the Ford van that you think caused you to</p> <p>24 come into contact with an</p> <p>25 asbestos-containing part or component?</p>

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1 A. Well, cleaning out brakes you		1 that.
2 used a dry brush since there's a lot of		2 Q. You used a floor jack?
3 dust in there, you clean out with a brush		3 A. Yeah.
4 and then use a blower.		4 Q. No lift or anything?
5 Q. So, you used a dry brush to		5 A. No.
6 clean out the brakes?		6 Q. How long would the process of
7 A. Inside the drum, when I pulled		7 removing the existing brake pads take
8 off the drum and then I blow it with an		8 you?
9 air hose.		9 A. I would say between two and
10 Q. And then you follow up with an		10 three hours.
11 air hose?		11 Q. And what would you do with the
12 A. Yeah.		12 old pads after you took them off?
13 Q. Now, you mentioned the term drum		13 A. Throw them away.
14 but then you also said pads. Now, were		14 Q. Any way to tell who made the old
15 the type of brakes on this particular		15 pads?
16 vehicle drum type brakes?		16 A. I never did, I don't know the
17 A. Drums is a drum that goes around		17 name. They're worn down, the asbestos
18 the outside and the pad is a pad that		18 part was worn off.
19 goes on the inside of the drum, one that		19 Q. They were worn out?
20 gets the grooves in it and gets turned		20 A. Yeah, they were gone.
21 down.		21 Q. So, you tossed them in the
22 Q. How long would it take you to		22 garbage?
23 remove the existing pads on this		23 A. Right.
24 particular Ford van?		24 Q. Now, did you purchase the
25 A. All eight of them?		25 replacement pads for that vehicle?
1 Q. Well, how many were there?	Page 218	Page 220
2 A. I only had four tires on it.		1 A. Yes.
3 Q. So, eight pads total?		2 Q. Do you remember where you
4 A. No.		3 purchased them from?
5 Q. You said eight.		4 A. Oh, we had automotive stores
6 A. Yeah, I know, wrong guess.		5 down around the firehouse.
7 MR. FINLEY: Take your time.		6 Q. Do you remember the names of any
8 Q. How many pads were there on the		7 of the automotive stores you frequented?
9 Ford van?		8 A. No, no. There were so many of
10 A. Each wheel had four -- one,		9 them down there.
11 two...		10 Q. But they were near the house in
12 Q. Each wheel had four?		11 Brooklyn?
13 A. No, had two.		12 A. Oh, yeah, they were near the
14 Q. And the van had four tires,		13 firehouse.
15 correct?		14 Q. Do you remember the make or
16 A. Yeah.		15 manufacturer of any of the replacement
17 Q. So, that would be eight pads in		16 brake pads you installed on the Ford van?
18 total?		17 A. I used mostly used Bendix.
19 A. Yeah.		18 Q. Is there a reason that you
20 Q. So, you were right, you said		19 mostly used that brand?
21 eight pads.		20 A. Well, I got to come in, I got
22 A. Yeah.		21 used to using them, there were so many of
23 Q. How long would it take you to		22 them.
24 remove the existing pads?		23 Q. Do you think you ever used any
25 A. I got to jack up the car and all		24 replacement brake pads manufactured by a
		25 company called Raybestos?

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<p>1 A. No.</p> <p>2 Q. How about Johns-Manville?</p> <p>3 A. Oh, yeah, I heard of</p> <p>4 Johns-Manville.</p> <p>5 Q. Did you ever use any pads made</p> <p>6 by Johns-Manville?</p> <p>7 A. I don't know. I bought a set of</p> <p>8 them somewhere.</p> <p>9 Q. Have we now talked about all the</p> <p>10 different work you did on vehicles that</p> <p>11 you personally owned that you can</p> <p>12 presently recall?</p> <p>13 MR. WARSIIAUER: Well, actually let</p> <p>14 me ask you differently, let me strike</p> <p>15 that, that's a poorly phrased question.</p> <p>16 Q. You also told me that on</p> <p>17 occasion you may have assisted the</p> <p>18 firefighters with work on their own</p> <p>19 vehicles; --</p> <p>20 A. Yes.</p> <p>21 Q. -- is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. On occasions when you were</p> <p>24 assisting the firefighters with work on</p> <p>25 their own vehicles, did you do the same</p>	<p>1 focus on the times that you assisted</p> <p>2 them, okay?</p> <p>3 A. Okay.</p> <p>4 Q. On any of the occasions when you</p> <p>5 assisted the other firefighters with work</p> <p>6 on their own vehicles, do you think that</p> <p>7 you were in any way ever exposed to a</p> <p>8 product or a component that contained</p> <p>9 asbestos?</p> <p>10 A. Yeah. If they were working on</p> <p>11 another set of brakes or clutches that</p> <p>12 contained asbestos, I could be right</p> <p>13 behind them with my car. The driveway</p> <p>14 only held about six cars, five, six cars,</p> <p>15 we used to line them up and work on each</p> <p>16 car.</p> <p>17 Q. Did you ever assist any of the</p> <p>18 firemen with any brake work?</p> <p>19 A. Oh, sure.</p> <p>20 Q. How many occasions?</p> <p>21 A. I don't know, a lot. I'm down</p> <p>22 there 28 years.</p> <p>23 Q. When you were assisting the</p> <p>24 other firemen with brake work on their</p> <p>25 own vehicles, can you tell me</p>
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<p>1 type of work that you talked about doing</p> <p>2 on your vehicles?</p> <p>3 A. Basically yes.</p> <p>4 Q. Did you help them change the</p> <p>5 oil?</p> <p>6 A. Yeah.</p> <p>7 Q. Did you help them change spark</p> <p>8 plugs or points on their own vehicles?</p> <p>9 A. All tit for tat, you know.</p> <p>10 Q. Helped them change tires?</p> <p>11 A. Yes.</p> <p>12 Q. Did you ever help them change</p> <p>13 filters or belts or hoses on their</p> <p>14 vehicles?</p> <p>15 A. Yes.</p> <p>16 Q. Did you ever help them with body</p> <p>17 work on their own vehicles?</p> <p>18 A. Yeah.</p> <p>19 Q. Did you ever help them change a</p> <p>20 starter or an alternator on any of their</p> <p>21 own vehicles?</p> <p>22 A. A lot of times I didn't, they</p> <p>23 did it on their own but a lot of times I</p> <p>24 did help.</p> <p>25 Q. I understand. I only want to</p>	<p>1 specifically what role if any you played</p> <p>2 in the changing of the brakes?</p> <p>3 A. Sometimes the whole job myself.</p> <p>4 Q. Can you recall any specific</p> <p>5 vehicle that someone else owned at the</p> <p>6 fire department where you changed the</p> <p>7 brakes?</p> <p>8 A. Oh, no. I didn't have a true</p> <p>9 interest in it, only my own car.</p> <p>10 Q. You just recall doing it?</p> <p>11 A. Yeah, oh, yeah. But some guys</p> <p>12 were really stuck and they couldn't</p> <p>13 handle it.</p> <p>14 Q. And you can't give me an</p> <p>15 estimate as to how many times you think</p> <p>16 you helped a firemen change the brakes on</p> <p>17 one of his vehicles?</p> <p>18 A. No, not on one particular</p> <p>19 fireman but I could tell you about my</p> <p>20 Ford van.</p> <p>21 Q. Well, we talked about your Ford</p> <p>22 van.</p> <p>23 A. Yeah, that was a steady routine.</p> <p>24 Q. Would the person who owned the</p> <p>25 vehicle be responsible for purchasing the</p>

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<p>1 replacement brakes on their vehicle?</p> <p>2 A. Me, yes.</p> <p>3 Q. No. The firemen who owned the</p> <p>4 vehicle --</p> <p>5 A. Oh, yes.</p> <p>6 Q. -- that you assisted on --</p> <p>7 A. They bought their own.</p> <p>8 Q. Would you know the make or</p> <p>9 manufacturer of any of the replacement</p> <p>10 brakes that they purchased?</p> <p>11 A. Probably not on one they bought.</p> <p>12 Q. You wouldn't know that?</p> <p>13 A. No. Maybe one or two. We</p> <p>14 always used a lot of Bendix brakes.</p> <p>15 Q. Do you know where they purchased</p> <p>16 any of those vehicles?</p> <p>17 A. Right on Hamilton Avenue.</p> <p>18 Q. And you don't remember the name</p> <p>19 of the supplier?</p> <p>20 A. No. Because they changed, they</p> <p>21 changed hands three or four times while I</p> <p>22 was there, you know. Auto parts store,</p> <p>23 they changed over three or four times.</p> <p>24 Q. And you can't recall the</p> <p>25 specific make or model of any vehicle you</p>	<p>Page 225</p> <p>1 starting a job you want to help everybody</p> <p>2 out, anybody needed my help, I gave them</p> <p>3 help.</p> <p>4 Q. I understand that but I'm only</p> <p>5 talking about a clutch job or clutch</p> <p>6 work. Do you know when the first time</p> <p>7 you would have assisted a fireman with a</p> <p>8 clutch job?</p> <p>9 A. No. They trust me.</p> <p>10 Q. Do you know when the last time</p> <p>11 would have been?</p> <p>12 A. No. A lot of times just go over</p> <p>13 there and tighten up a couple of bolts on</p> <p>14 it.</p> <p>15 Q. Do you know what tools would</p> <p>16 have been used in performing a clutch</p> <p>17 job?</p> <p>18 A. Basically vice grips and channel</p> <p>19 locks, always a persuasive hammer. A few</p> <p>20 other tools, I just can't put the name on</p> <p>21 them. I like tools.</p> <p>22 Q. Do you know the steps the</p> <p>23 firemen and perhaps yourself in assisting</p> <p>24 him would go through in replacing a</p> <p>25 clutch?</p>
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<p>Page 226</p> <p>1 helped another fireman change the brakes</p> <p>2 on?</p> <p>3 A. No. I used to know how to put</p> <p>4 the brakes, they're all basically the</p> <p>5 same, I knew how to put them together.</p> <p>6 Q. Did you ever assist a fireman</p> <p>7 with a clutch job --</p> <p>8 A. Yes.</p> <p>9 Q. -- on any of their vehicles?</p> <p>10 Are you okay?</p> <p>11 A. Yeah. Just a cough.</p> <p>12 Q. Can you recall the make or model</p> <p>13 of any vehicle that you assisted a</p> <p>14 fireman with a clutch job on?</p> <p>15 A. No. I only took interest in my</p> <p>16 cars because I had a side business and I</p> <p>17 had to keep them in top shelf condition.</p> <p>18 Q. Do you know when the first time</p> <p>19 you would have assisted a fireman with a</p> <p>20 clutch job would have been? I don't want</p> <p>21 you to guess, I only want you to tell me</p> <p>22 if you know.</p> <p>23 A. Give it a year when they came on</p> <p>24 the job, approximate give or take because</p> <p>25 I was very -- well, you know, you knew</p>	<p>Page 228</p> <p>1 A. Not offhand, it's been quite a</p> <p>2 while.</p> <p>3 Q. And you can't recall any</p> <p>4 specific vehicle you assisted a firemen</p> <p>5 with changing the clutch on; is that</p> <p>6 correct?</p> <p>7 A. No.</p> <p>8 Q. That's correct?</p> <p>9 A. Yeah. See, the clutch that I</p> <p>10 had on the Ford van, I never changed that</p> <p>11 one because that's the one I was doing</p> <p>12 all the heavy luging with.</p> <p>13 Q. The clutch lasted, you never had</p> <p>14 to change it?</p> <p>15 A. Oh, no, it lasted. I burned out</p> <p>16 a lot of clutches.</p> <p>17 Q. Right.</p> <p>18 A. I never knew how long they</p> <p>19 lasted. I really abused a clutch, I had</p> <p>20 a double clutch going up to maybe 1,000</p> <p>21 pounds in the van.</p> <p>22 Q. On occasions when you were</p> <p>23 assisting the firemen with changing a</p> <p>24 clutch on any of their vehicles, what</p> <p>25 roll if any would you play in the process</p>
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1 of changing the clutch?
 2 A. Basically just advice, I'd be
 3 working right alongside of them, maybe
 4 help out with a few ways, they're
 5 twisting a bolt or something.
 6 Q. The fireman was responsible for
 7 changing the clutch on his own vehicle?
 8 A. Oh, yeah.
 9 Q. And I take it he would be the
 10 one responsible for purchasing the
 11 replacement clutch?
 12 A. I would say yeah.
 13 Q. And I take it the fireman would
 14 purchase the replacement clutch from one
 15 of those area supply houses in Brooklyn?
 16 A. Yeah.
 17 Q. Do you know how long the process
 18 of removing an existing clutch would take
 19 on any vehicle?
 20 A. Forty-five minutes I would say.
 21 Q. And how about the process of
 22 installing the replacement clutch?
 23 A. About the same.
 24 Q. The firemen who owned the
 25 vehicle that the clutch was being put in,

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1 Q. Well, the transcript will speak
 2 for itself, okay?
 3 A. Okay.
 4 MR. FINLEY: How many more
 5 questions do you have along this line?
 6 MR. WARSHAUER: I'm pretty much
 7 finished, this is good time to take a
 8 break.
 9 Q. Sir, we're going to take a short
 10 break now and we'll come back.
 11 A. Okay.
 12 (Whereupon, at 11:27 A.M., a short
 13 recess was taken)
 14 (Back on the record at 11:44 A.M.)
 15 Q. Sir, we're back on the record
 16 after a short break, are you able to
 17 continue with your testimony?
 18 A. Okay.
 19 Q. You had told me that during our
 20 previous session that you had
 21 periodically used a Ford van to haul
 22 around what you characterized as roofing
 23 materials; is that correct?
 24 A. Yes.
 25 Q. Is this material that you used

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1 he would be the one that was responsible
 2 for purchasing the replacement clutch,
 3 correct?
 4 A. Correct.
 5 Q. Would you know who the make of
 6 any of the replacement clutches that the
 7 firemen would install in his own vehicle?
 8 A. Yeah. I just gave you the name
 9 of the clutch before, what was the name
 10 of the clutch I gave you before? Well,
 11 we used basically all the same clutches
 12 from the store, the store on Hamilton
 13 Avenue.
 14 Q. And do you know the name of the
 15 store?
 16 A. No. In fact, I can't remember
 17 it now. See, what was the name of the
 18 clutch that I bought from that store,
 19 what was the name of it, the clutch?
 20 See, I forgot it already.
 21 Q. I can't help you, sir.
 22 A. I gave it to you before.
 23 Q. I don't think so.
 24 A. I gave you the name of the
 25 clutch, yeah.

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1 in connection with the work that you did
 2 when you owned and operated Fred Brown
 3 Painting?
 4 A. Is that the same material?
 5 Q. Well, you told me when you
 6 operated your company which you called
 7 Fred Brown Painting, --
 8 A. Yeah.
 9 Q. -- you had mentioned you did
 10 work on residential homes in Manhattan
 11 and in Brooklyn and in Queens and you
 12 mentioned that you did painting work and
 13 wallpaper work and paneling work at these
 14 residential homes; --
 15 A. Yeah.
 16 Q. -- is that correct?
 17 A. Right.
 18 Q. Now, you just mentioned that
 19 when you owned this Ford van, you used
 20 the Ford van to carry around roofing
 21 materials.
 22 A. Used it for painting materials
 23 and everything.
 24 Q. Did you use it to carry around
 25 roofing materials?

20 (Pages 229 - 232)

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<p style="text-align: right;">Page 233</p> <p>1 A. Yes, yes. 2 (All defendants object) 3 Q. You didn't mention doing any 4 roofing work when you did the residential 5 home work in Manhattan and Brooklyn and 6 Queens. 7 A. Well, I was a slow starter with 8 the roofing. 9 Q. You were a? 10 A. Slow starter with the roofing 11 work. 12 Q. What does that mean? 13 A. Newcomer, I was painting and 14 doing wallpaper and whatever way before I 15 was doing roofing material. Then the 16 roofing material got too heavy. 17 Q. What type of roofing work if any 18 did you do when you were on those 19 residential home projects? 20 A. I used to do the flat roof which 21 was the plane roofing material and then 22 it had a 90 pound mineral surface on top 23 of it that was -- and I did shingle 24 roofs, they weigh 100 pounds and were 25 10 x 10 square.</p>	<p style="text-align: right;">Page 235</p> <p>1 Q. Where was the location? 2 A. I know I did a few of them on 3 Church Avenue. 4 Q. Church Avenue where? 5 A. Off of a few blocks -- 6 Q. What borough was that? 7 A. In Brooklyn. 8 Q. Anywhere else other than homes 9 on Church Avenue? 10 A. Church Avenue. Was it also 11 Avenue U down there? 12 Q. Avenue U? 13 A. Yeah. And I think Church 14 crosses Avenue U, I did a home there, 25 15 years ago, you know. 16 MR. FINLEY: To the best that you 17 can remember. 18 THE WITNESS: Pardon? 19 MR. FINLEY: To the best that you 20 can remember. 21 Q. Can you tell me the decade you 22 would have done this work? 23 A. I got to get a starting point. 24 Q. Yes. 25 A. I don't know, I don't know right</p>
<p style="text-align: right;">Page 234</p> <p>1 MR. BISHOP: Can I get read back 2 when he's done? 3 Q. Are you done with your answer, 4 sir? 5 A. Yes. 6 (Whereupon, at this time, the 7 requested portion was read back by the 8 reporter) 9 Q. Could you recall the address of 10 any home that you worked on where you did 11 roofing work? 12 A. An address? 13 Q. Yes. 14 A. No, but I had plenty of them. 15 Q. Can you recall the name or names 16 of any customers on whose homes you did 17 roofing work? 18 A. I would have to make some phone 19 calls. 20 Q. Can you tell me the first year 21 you would have done a roofing job on any 22 of these homes? 23 A. I could give you the address -- 24 not the address, I could give you the 25 location.</p>	<p style="text-align: right;">Page 236</p> <p>1 now. I probably been out from doing the 2 home jobs, probably been out about 3 fifteen years, I haven't done any home 4 work, home jobs I can't do anymore. 5 Q. Well, fifteen years would put us 6 back in 2002, were you still doing home 7 renovation work back in 2002? 8 A. Yeah, yeah, a little bit I 9 guess. 10 Q. You did home renovation work 11 after you left the fire department? 12 A. Oh, yeah. Well, not that long, 13 mostly for friends and callbacks from 14 over the years and I didn't even want to 15 do them but I did them. 16 Q. When would have been the first 17 time you did any roofing work on any of 18 these home renovation projects? 19 A. I don't know when I cut it off. 20 Q. And that would have been when? 21 A. When I cut -- I got out in '89 22 and... 23 Q. Well, you got out in '89 but you 24 just told me a minute ago you did some 25 work after you left the fire department.</p>

21 (Pages 233 - 236)

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<p>1 A. Absolutely, '95, maybe 2000.</p> <p>2 Q. So, you think the last time you 3 did any work on these residential home 4 projects would have been the late 90s to 5 perhaps about 2000?</p> <p>6 A. I think that would have been 7 most of it.</p> <p>8 Q. Did anyone ever assist you with 9 any of the roofing work?</p> <p>10 A. Oh, yeah.</p> <p>11 Q. Any of your children?</p> <p>12 A. Yes.</p> <p>13 Q. Which ones?</p> <p>14 A. All three of them, I had two 15 sons and a daughter.</p> <p>16 Q. I understand. All of them 17 assisted you with roofing work?</p> <p>18 A. Yes, at one time. I lost one 19 son.</p> <p>20 Q. I understand that. Did all 21 three of your children assist you with 22 roofing work?</p> <p>23 A. Yes. Not so much the roofing 24 with my daughter, she did the delicate 25 work.</p>	<p>Page 237</p> <p>1 supplier?</p> <p>2 A. McDonald Roofing.</p> <p>3 Q. What's the name of the 4 individual who owns McDonald Roofing?</p> <p>5 A. I don't know if his father is 6 still alive anymore. Richie was there, 7 the father's son.</p> <p>8 Q. Richie McDonald?</p> <p>9 A. Yeah, that was his son. I'm 10 assuming he took over the business from 11 the father, his father must have passed 12 away.</p> <p>13 Q. Do you know the make of any of 14 the materials you purchased in connection 15 with the roofing work that you performed 16 on these residential projects?</p> <p>17 A. The flashing cement, come in 5 18 gallon tins.</p> <p>19 MR. BISHOP: Can I get a read back 20 when he's done?</p> <p>21 (Whereupon, at this time, the 22 requested portion was read back by the 23 reporter)</p> <p>24 Q. Do you know the make or 25 manufacturer of any of the flashing</p>
<p>Page 238</p> <p>1 Q. What tools would you use in 2 connection with these roofing projects?</p> <p>3 A. Hook knives, hook knife, 4 sheetrock knife, hammers. In my day we 5 didn't use the air gun, we used 6 three-quarter nails where you bang them 7 in. We always used nails, much easier 8 than the air gun.</p> <p>9 Q. Obviously this is all outdoor 10 work, correct?</p> <p>11 A. Yeah.</p> <p>12 Q. Do you know the make or 13 manufacturer of any of the roofing 14 materials you used during this period of 15 time?</p> <p>16 A. We used to have all five to ten 17 brands. Bought them off on McDonald 18 Avenue.</p> <p>19 Q. On where?</p> <p>20 A. McDonald Avenue.</p> <p>21 Q. This was a supplier on McDonald 22 Avenue?</p> <p>23 A. Yeah. It's been there for 30 24 years.</p> <p>25 Q. Do you remember the name of the</p>	<p>Page 239</p> <p>1 cement that came in the 5 gallon tins?</p> <p>2 A. McCormick -- no, I don't know.</p> <p>3 Q. Do you know the make or 4 manufacturer of any of the roofing 5 shingles you used?</p> <p>6 A. Used to have them all on the 7 back of my hand, I didn't have to worry 8 about the names, I just don't remember.</p> <p>9 Q. Do you know the make or 10 manufacturer of any of the flat roofing 11 materials you used?</p> <p>12 A. Jeez, I always used to call it 13 60 pound and 90 pound, flat roofing. 14 Sixty pound was just a tar covering and 15 90 pound was tarpaper with mineral 16 surface on top.</p> <p>17 Q. Do you know the brand, trade or 18 manufacturer's name of any of the 19 tarpaper you used?</p> <p>20 A. No. I knew them all, I don't 21 know them now.</p> <p>22 MR. BISHOP: Can I get a read back 23 of that answer?</p> <p>24 (Whereupon, at this time, the 25 requested portion was read back by the</p>

22 (Pages 237 - 240)

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1 reporter)
 2 Q. Is there any other type of
 3 residential renovation work that you
 4 performed on those homes in Manhattan,
 5 Brooklyn and Queens for Fred Brown
 6 Painting that you haven't already told me
 7 about?
 8 A. Not that I remember, no.
 9 Basically standard stuff, just painting
 10 inside and wallpaper.
 11 Q. You told me that. You told me
 12 you did painting, you did wallpaper, you
 13 did paneling and you just mentioned today
 14 you did some roofing work.
 15 A. Yeah, yeah. When you're taking
 16 the wallpaper and sometimes you use water
 17 to take it off. Sometimes you used razor
 18 blades to take it off depending what kind
 19 of paper it was.
 20 Q. You used razor blades to remove
 21 the wallpaper?
 22 A. Yeah. That got dirty. Then you
 23 had to sand the wall around there, all
 24 the paper, the dried up paper would be
 25 flying around.

1 Q. Why would you have to sand the
 2 walls down?
 3 A. Because it would leave it lumpy
 4 on the wall, the sheetrock walls, you
 5 need it all smooth, you can get it all
 6 off. And if they had the metallic paper,
 7 any little bump behind the metallic paper
 8 would show up.
 9 Q. So, you would sand the walls
 10 down after you removed the paper?
 11 A. Yeah. And it dried, let the
 12 glue dry, strip down the wall, go back
 13 the next day, do another room. Dry the
 14 room, as it dries that's the way you
 15 would sand it. You couldn't sand it when
 16 it was wet.
 17 Q. This is all work that you did
 18 before you painted?
 19 A. Yeah. Or home, remove the
 20 wallpaper.
 21 Q. Before you hung new wallpaper?
 22 A. Yeah, both.
 23 Q. So, either before you painted or
 24 before you hung the new wallpaper?
 25 A. Right.

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1 Q. You had mentioned that in
 2 connection with the Ford van that you
 3 owned during that twelve year period of
 4 time that you used to haul around
 5 materials, --
 6 A. Yes.
 7 Q. -- you had done about 30 or so
 8 brake jobs on that vehicle.
 9 A. Yeah, the brake jobs, yeah.
 10 Q. All of them done to the best of
 11 your recollection outside of the
 12 firehouse where you were working,
 13 correct?
 14 A. Right.
 15 Q. Is there any other work that you
 16 did in connection with the Ford van that
 17 you owned during that twelve year period
 18 of time other than the brake work that
 19 you've already told me about --
 20 A. Yeah.
 21 Q. -- that you think may have
 22 caused you to come into contact with an
 23 asbestos-containing part or component?
 24 Just focusing on the Ford van.
 25 A. I don't think so, I think it was

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1 all outside. Maybe a little bit with the
 2 -- when I tried to tell you before,
 3 cleaning out the drums.
 4 Q. And you would use compressed air
 5 and --
 6 A. A stiff dry brush, you know, all
 7 that stuff.
 8 Q. And you would clean out the dust
 9 and debris with the air hose?
 10 A. Air hose, yeah.
 11 Q. What would you use to clean out
 12 the dust and debris?
 13 A. Air hose and a dry -- an old
 14 paintbrush.
 15 Q. An old paintbrush?
 16 A. It was stiff.
 17 Q. And how long would that process
 18 take you?
 19 A. Not too bad, I changed -- I
 20 would say two, three hours, all four
 21 tires.
 22 Q. Sir, have we now talked about
 23 all the different ways you think you may
 24 have come into contact with asbestos
 25 throughout the course of your lifetime?

1 A. I guess, I think so. A lot of
2 things I can't remember.
3 Q. I understand that. Did there
4 come a time either during your employment
5 history or shortly after you retired that
6 you first learned or heard about the
7 potential health issues associated with
8 the use of asbestos in products?
9 A. There was a point in time when
10 they were talking about it.
11 Q. When was that?
12 A. That's what I don't know. But I
13 know about asbestos being dangerous.
14 Q. You don't know when you learned
15 or heard about the potential health
16 issues about asbestos?
17 A. No. I disregarded it like 9,000
18 people on the street.
19 Q. And why did you disregard it?
20 A. Because nobody else stops
21 smoking or anything like that.
22 MR. FINLEY: He's not asking about
23 smoking.
24 Q. We're only talking about
25 asbestos.

1 Q. Has that been fairly consistent
2 throughout your adult lifetime?
3 A. Yes. It's my reward for still
4 being able to work.
5 Q. How long have you consumed
6 approximately a six pack of beer per day?
7 A. Oh, I don't know, 20 years.
8 Q. Were you consuming beer when you
9 were a member of the FDNY?
10 A. Yeah.
11 Q. How about when you were in the
12 service?
13 A. Yeah. More than that, more than
14 20 years.
15 Q. Were you consuming beer when you
16 were in high school?
17 A. No.
18 Q. So, you started shortly after
19 you left high school?
20 A. Yeah. Never drank when I was in
21 high school.
22 Q. You started shortly after you
23 left high school?
24 A. Yeah.
25 Q. So, you would have started

1 MR. FINLEY: When you learned
2 asbestos was dangerous.
3 A. Oh, oh. I was careful when I
4 was working with it I thought, asbestos,
5 I don't know. Some houses had asbestos
6 shingle on it, used to break them, take
7 all the broken ones and drill holes and
8 shingles that fell off.
9 Q. Have you ever been a regular or
10 daily consumer of alcohol or alcoholic
11 beverages?
12 A. Yes.
13 Q. Do you still drink alcohol?
14 A. Yes. Even tonight.
15 Q. What do you drink?
16 A. Just beer.
17 Q. Do you have a particular brand
18 that you favor?
19 A. Coors Light. I'm a, I'm a
20 functional alcoholic.
21 Q. How many beers a day do you
22 normally drink?
23 A. I would say about six.
24 Q. About a six pack?
25 A. (Nodding in the affirmative)

1 drinking beer at about the time you
2 started working for United Vari?
3 A. Even after that I didn't drink,
4 I drank three or four years after that.
5 Q. Did you start right around the
6 time you went into the air force?
7 A. Yeah, about then.
8 Q. And you continue to drink about
9 a six pack of beer per day?
10 A. Yeah.
11 Q. Ever anything else, hard liquor,
12 scotch?
13 A. Oh, yeah, we used to go to the
14 SCO club and I used to take a couple of
15 hard liquors, I didn't like, I never
16 liked that, Seagram 7 and stuff, but I
17 couldn't handle it, so I quit it. Quit
18 it very quick actually, this is not for
19 me.
20 Q. And you've consumed beer on a
21 daily basis since that time?
22 A. Yeah, I could control it.
23 Q. Has any health care professional
24 ever told you to cut back on your alcohol
25 consumption?

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1 A. No, not really.
 2 Q. Have you ever been diagnosed
 3 with any alcohol-related illness or
 4 disease?
 5 A. No.
 6 Q. We're going to talk now about
 7 your medical history, okay?
 8 A. Okay.
 9 Q. From the time you were born
 10 until you graduated from high school in
 11 around 1953 or so, were you ever
 12 hospitalized for any reason?
 13 A. No.
 14 Q. Were you ever treated for any
 15 ailments or illnesses as a child other
 16 common variety type things like colds or
 17 flu?
 18 A. No.
 19 Q. Did you have the polio vaccine
 20 as a child, if you can remember?
 21 A. I don't remember. Probably did.
 22 Q. Between the time you graduated
 23 high school up until you went into the
 24 air force, were you ever hospitalized for
 25 any reason?

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1 A. No.
 2 Q. Were you ever treated for any
 3 ailments or illnesses other than common
 4 variety type things like colds or flu?
 5 A. No.
 6 Q. I think you told me that when
 7 you were in the service, you had a back
 8 injury and you stayed in bed for a few
 9 days --
 10 A. Yeah.
 11 Q. -- to get better. Nothing more
 12 serious than that, correct?
 13 A. Oh, yeah, I had back surgery.
 14 Q. Well, when did you have the back
 15 surgery?
 16 A. After the service.
 17 Q. While you were in the service,
 18 were you ever treated for any ailments or
 19 injury?
 20 A. No, no. They just took that --
 21 when they wanted a court martial because
 22 I wouldn't...
 23 Q. Because you wouldn't get out of
 24 bed, you told me that yesterday.
 25 A. I said go ahead, court martial

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1 me, call the cops, I can't get out of
 2 bed.
 3 Q. Any other ailments or illnesses
 4 while you were in the air force?
 5 A. No, no, I never really got hurt.
 6 Q. Was the back surgery the first
 7 time you were hospitalized?
 8 A. I think -- oh, when I got out?
 9 Q. Yes. Was that the first time
 10 you were hospitalized?
 11 A. Oh, no, I got all kinds of
 12 surgeries.
 13 Q. What's the first surgery you can
 14 recall having during your lifetime?
 15 A. Total knee replacement.
 16 Q. When was that?
 17 A. I was going to go along with you
 18 but now you want all the days, it's
 19 tough.
 20 Q. Well, you don't have to
 21 necessarily give me the exact date, we
 22 can get your medical records but if you
 23 could give me an estimate of how old you
 24 were or what decade it was, that would
 25 help.

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1 A. I think it was about fifteen
 2 years ago, fourteen years ago.
 3 Q. All right, that would place us
 4 after 2000.
 5 A. Okay.
 6 Q. Were you ever hospitalized prior
 7 to 2000?
 8 A. I don't think so.
 9 Q. You were never treated for any
 10 ailments or illnesses that required a
 11 hospitalization prior to 2000?
 12 A. This is 2017?
 13 Q. Yes. In other words, you worked
 14 for the FDNY until 1989, correct?
 15 A. Yes.
 16 Q. You started in '62 approximately
 17 and you left in '89.
 18 A. Yeah.
 19 Q. Were you ever hospitalized at
 20 any time during the period you worked for
 21 the FDNY?
 22 A. No, I don't think so.
 23 Q. Were you ever injured on the
 24 job?
 25 A. No.

25 (Pages 249 - 252)

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Page 253	Page 255
<p>1 Q. Were you ever treated for any 2 ailments or illnesses during that period 3 of time other than common variety type 4 things like colds or flu?</p> <p>5 A. No, I got dragged out a few 6 times because of smoke inhalation.</p> <p>7 Q. But nothing that required an 8 extended hospitalization?</p> <p>9 A. No.</p> <p>10 Q. Did you have both knees replaced 11 or just one?</p> <p>12 A. I had that (indicating).</p> <p>13 Q. Left knee?</p> <p>14 A. Left knee, that was a total 15 replacement.</p> <p>16 Q. So, you had the left knee 17 replacement.</p> <p>18 A. Yeah.</p> <p>19 Q. You had back surgery, correct?</p> <p>20 A. Yeah. I had arthroscopic 21 surgery on my right knee.</p> <p>22 Q. So, you had a left knee 23 replacement, you had arthroscopic surgery 24 on your right knee.</p> <p>25 A. Yeah.</p>	<p>1 A. Okay.</p> <p>2 Q. Were you ever treated for any 3 other types of cancer?</p> <p>4 A. I had so many surgeries.</p> <p>5 Q. Did you have prostate cancer?</p> <p>6 A. Yes.</p> <p>7 Q. Did you have surgery for the 8 prostate surgery?</p> <p>9 A. I had seeds implanted.</p> <p>10 Q. You had radioactive seed 11 implantation?</p> <p>12 A. Yes.</p> <p>13 Q. Any other type of cancer; skin 14 cancer, melanoma, anything like that?</p> <p>15 A. No.</p> <p>16 Q. And I think I asked you this 17 yesterday, you never had a heart attack?</p> <p>18 A. No, I never had a heart attack.</p> <p>19 Q. You did have a heart attack?</p> <p>20 A. No, I had a stroke.</p> <p>21 Q. I know you had a stroke, just 22 once?</p> <p>23 A. Yeah, one stroke.</p> <p>24 Q. Okay, one stroke, no heart 25 attacks?</p>
Page 254	Page 256
<p>1 Q. You had back surgery, correct?</p> <p>2 A. Yes.</p> <p>3 Q. What other surgeries?</p> <p>4 A. That one's still a killer, the 5 back surgery was slipped off -- my spine 6 was slipping off my pelvis and I had a 7 rod and screws and four or eight screws 8 in there.</p> <p>9 Q. So, we have left knee 10 replacement, arthroscopic surgery on the 11 right knee, back surgery relating to your 12 spine slipping off your pelvis. I think 13 you told me previously you had carotid 14 artery surgery, correct?</p> <p>15 A. Both of them cleaned out.</p> <p>16 Q. So, you had two surgeries?</p> <p>17 A. Yeah, two surgeries.</p> <p>18 Q. What other kind of surgeries did 19 you have?</p> <p>20 A. I had lung cancer.</p> <p>21 Q. We'll get to that.</p> <p>22 A. Well, you should know about 23 that.</p> <p>24 Q. Yes, we'll get to the lung 25 cancer, I promise.</p>	<p>1 A. No heart attack, there was the 2 stroke.</p> <p>3 Q. Any other surgeries that you can 4 recall?</p> <p>5 A. Oh, yeah, I got the hand surgery 6 here (indicating).</p> <p>7 Q. Carpal tunnel?</p> <p>8 A. No. This was that thing with 9 contraction -- see, I can't lift these 10 two fingers up (indicating).</p> <p>11 Q. So, you had surgery on your 12 hand?</p> <p>13 A. Yeah. It's a common disease 14 getting surgery up to here (indicating), 15 but it didn't work.</p> <p>16 MR. FINLEY: Plaintiff is 17 indicating to a scar on his left hand.</p> <p>18 MR. WARSHAUER: On his left hand.</p> <p>19 Q. Has any doctor ever told you you 20 suffer from a condition known as 21 emphysema?</p> <p>22 A. No.</p> <p>23 Q. Have you ever been told you 24 suffer from a condition known as COPD or 25 chronic obstructive pulmonary disease?</p>

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Page 257	Page 259
1 A. No.	1 Q. I'm not sure of the name of the
2 Q. Have you ever been treated for	2 hospital but that's where you had the
3 tuberculosis or TB?	3 surgery performed, correct?
4 A. No.	4 A. Yeah.
5 Q. Have you ever been treated for	5 Q. Do you remember the name of the
6 pleurisy?	6 doctor that performed the surgery?
7 A. No.	7 A. It's a three letter name, it's
8 Q. Have you ever been told you	8 an Indian name, I don't know.
9 suffer from asthma?	9 MR. FINLEY: If you can't remember
10 A. No.	10 they can get your medical records, so
11 Q. Have you ever been diagnosed or	11 just what you can remember.
12 treated for pneumonia?	12 THE WITNESS: Attached to my name
13 A. No.	13 and it's eleven, twelve years ago.
14 Q. Have you ever been diagnosed or	14 Q. It wasn't Dr. Maheshwari, was
15 treated for a condition called chronic	15 it?
16 bronchitis?	16 A. Maheshwari.
17 A. No.	17 Q. It wasn't that doctor.
18 Q. I already asked you, you never	18 A. Yeah, he did some work on me but
19 had a heart attack, correct?	19 I don't know what he did.
20 A. Right. Probably working my way	20 Q. You also had arthroscopic
21 towards it.	21 surgery on your right knee, correct?
22 MR. FINLEY: I think we can take a	22 A. Yes.
23 break if you think you're going to have	23 Q. Do you remember where that was
24 a heart attack.	24 performed?
25 THE WITNESS: Not now.	25 A. Same place I think.
Page 258	Page 260
1 Q. Where did you have the left knee	1 Q. Hospital in Brooklyn.
2 replacement done?	2 A. Yeah.
3 A. Oh, hospital down off of	3 Q. Same surgeon?
4 Atlantic Avenue.	4 A. No, it was a different one, I
5 Q. In Brooklyn?	5 don't know though.
6 A. Brooklyn near the Belt Parkway.	6 Q. Do you remember when the left
7 MR. FINLEY: Off the record.	7 knee replacement and the arthroscopic
8 (Discussion held off the record)	8 surgery on your right knee was performed?
9 Q. You had your left knee replaced	9 A. Probably about five years after
10 at a hospital in Brooklyn down by the	10 the other one.
11 Belt Parkway you said, correct?	11 Q. Which was first?
12 A. Yes.	12 A. The left one.
13 Q. You don't know the name of the	13 Q. The left knee replacement was
14 hospital?	14 first?
15 A. Yeah, working on it.	15 A. Yeah.
16 Q. Is it SUNY Downstate or	16 Q. And arthroscopic surgery was
17 Methodist Hospital or Mount Sinai in	17 about five years later?
18 Brooklyn?	18 A. Right.
19 A. Mounts Sinai? It's right by	19 Q. When was the back surgery
20 Atlantic Avenue and the highway there in	20 performed?
21 Brooklyn.	21 A. About five years ago.
22 Q. Not Coney Island Hospital?	22 Q. So, that would have been about
23 A. Yes -- oh, no, Coney Island is	23 2012?
24 at the other end. By the Brooklyn	24 A. Yeah, I guess.
25 Battery Tunnel.	25 Q. Where did you have the back

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<p>1 surgery done?</p> <p>2 A. Downstate.</p> <p>3 Q. SUNY Downstate?</p> <p>4 A. Yeah.</p> <p>5 Q. Do you remember the name of the</p> <p>6 doctor that performed the surgery?</p> <p>7 A. Yoshiharra. Ten hours on the</p> <p>8 table, so it was serious.</p> <p>9 Q. Did you require any physical</p> <p>10 therapy following the back surgery in</p> <p>11 2012?</p> <p>12 A. Oh, yeah.</p> <p>13 Q. Where did you go for physical</p> <p>14 therapy?</p> <p>15 A. I think I went to Sands Point in</p> <p>16 Rockaway.</p> <p>17 Q. Were you admitted or did you go</p> <p>18 on an outpatient basis?</p> <p>19 A. No, in and out because it's</p> <p>20 right next to my house.</p> <p>21 Q. Have you just had the one back</p> <p>22 surgery?</p> <p>23 A. Yeah, I think so.</p> <p>24 Q. You also mentioned you had two</p> <p>25 carotid artery surgeries; is that</p>	<p style="text-align: right;">Page 261</p> <p>1 Q. Do you remember how long ago you</p> <p>2 were treated for prostate cancer?</p> <p>3 A. After the knee probably about</p> <p>4 five to six years ago.</p> <p>5 Q. Do you remember the name of the</p> <p>6 doctor that treated you for prostate</p> <p>7 cancer?</p> <p>8 A. Yeah, I don't know but it was at</p> <p>9 Kings Highway Medical Center.</p> <p>10 Q. So, Dr. Greenstein?</p> <p>11 A. Yeah.</p> <p>12 Q. And Dr. Greenstein performed the</p> <p>13 radioactive seed implantation?</p> <p>14 A. Yes.</p> <p>15 Q. And where was that done?</p> <p>16 A. In Kings Highway, I think it was</p> <p>17 a little room.</p> <p>18 Q. Was that a division of Mount</p> <p>19 Sinai, 3201 Kings Highway in Brooklyn?</p> <p>20 A. No, no. It was on Nostrand</p> <p>21 Avenue in Brooklyn.</p> <p>22 Q. How long ago did you have your</p> <p>23 stroke?</p> <p>24 A. Oh, I guess about four or five</p> <p>25 months ago at least.</p>
<p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. Both performed by Dr. Gwertzman?</p> <p>4 A. Yes, I believe so, yeah.</p> <p>5 Q. When was the first one</p> <p>6 performed?</p> <p>7 A. Oh, I don't know. I would say</p> <p>8 -- I'm just guessing in the ballpark,</p> <p>9 like a year ago, a year and a half ago.</p> <p>10 Q. Where were you hospitalized?</p> <p>11 A. Damn it, I need my daughter or</p> <p>12 my wife.</p> <p>13 Q. Again, it's what you remember</p> <p>14 and if you don't remember, just tell me</p> <p>15 you don't remember.</p> <p>16 A. I can't remember.</p> <p>17 Q. And you had two surgeries,</p> <p>18 correct?</p> <p>19 A. Yeah.</p> <p>20 Q. How much time elapsed between</p> <p>21 the first and second surgery?</p> <p>22 A. On the carotid artery?</p> <p>23 Q. Yes.</p> <p>24 A. Oh, about six months I guess. I</p> <p>25 had two friends die from that surgery.</p>	<p style="text-align: right;">Page 262</p> <p>1 Q. So, 2017 and you were treated by</p> <p>2 Dr. Ahmed?</p> <p>3 A. Yeah, Dr. Ahmed.</p> <p>4 Q. Where were you hospitalized</p> <p>5 following your stroke?</p> <p>6 A. I can't remember. I was only in</p> <p>7 the hospital for one or two nights before</p> <p>8 I was out.</p> <p>9 Q. Do you remember where you were</p> <p>10 hospitalized?</p> <p>11 A. Can't remember.</p> <p>12 Q. And you also had hand surgery on</p> <p>13 your left hand, correct?</p> <p>14 A. Yes.</p> <p>15 Q. How long ago was that?</p> <p>16 A. That was about two years ago.</p> <p>17 That's annoying, worse than it was, never</p> <p>18 worked out.</p> <p>19 Q. Did you require any chemotherapy</p> <p>20 following your diagnosis with prostate</p> <p>21 cancer?</p> <p>22 A. No.</p> <p>23 Q. Just the seeds?</p> <p>24 A. Just the seeds. And then the</p> <p>25 seeds didn't do anything.</p>

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1 Q. But they never took out your
2 prostate?
3 A. No.
4 Q. You still have it.
5 A. Yeah.
6 Q. And also told me you were
7 diagnosed with lung cancer, correct?
8 A. Right.
9 Q. When were you diagnosed with
10 lung cancer?
11 A. About two months ago, two
12 months.
13 Q. Do you remember the name of the
14 doctor that diagnosed you with lung
15 cancer?
16 A. Yeah, it was right over here,
17 Reyes.
18 Q. It was Dr. Reyes?
19 A. Reyes, yeah.
20 Q. What were you experiencing just
21 prior to your going to the doctor that
22 led to the diagnosis; in other words,
23 what were you feeling?
24 A. Before I had, before I had the
25 surgery, right?

1 Q. Yes. What were you experiencing
2 that led you to seek medical attention?
3 A. I don't know, I don't know if it
4 was hard breathing or what, I really
5 don't know.

6 Q. Did you get a CAT scan or a
7 pulmonary function test?

8 A. PTA?

9 Q. PET scan, did you have a PET
10 scan?

11 A. PET; P-E-T, yeah.

12 Q. Where did you have the PET scan?

13 A. I don't know.

14 Q. Is Dr. Reyes the doctor that
15 told you you had lung cancer?

16 A. Yes, I think so.

17 Q. And he's a thoracic surgeon?

18 A. He did the automatic surgery.

19 Q. Did Dr. Reyes recommend surgery?

20 A. I don't know.

21 Q. You had surgery?

22 A. Yeah.

23 Q. Where did you have the surgery?

24 A. I had so many of them in a three
25 month period.

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1 Q. Do you remember where you had
2 the surgery following the lung cancer
3 diagnosis?
4 A. Can't remember the hospital.
5 It's locally, it's around here somewhere.
6 Q. Was it on Long Island?
7 A. What?
8 Q. Was it on Long Island or was it
9 in Brooklyn?
10 A. One of those two but I don't
11 know which one.
12 MR. FINLEY: If you don't remember
13 it's in your records, just to the best
14 of your recollection.
15 Q. Has any doctor ever told you you
16 suffer from a condition known as
17 asbestosis?
18 A. No. Oh, a rhythm, a rhythm of
19 the heart?
20 Q. No. Did Dr. Reyes ever tell you
21 that he thought your lung cancer was
22 caused by cigarette smoking?
23 A. No.
24 Q. Did any doctor ever tell you
25 that they thought your lung cancer was

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1 caused by cigarette smoking?
2 A. No. Never got into a heavy
3 conversation about my smoking.
4 Q. Have you received any
5 chemotherapy in relation to your lung
6 cancer diagnosis?
7 A. No.
8 Q. Do you know what they did during
9 the surgery?
10 A. Yeah. They said they cut out a
11 piece, a piece, a pieces, pieces, shaved
12 a piece and they said they got it all,
13 whatever it is they got it all.
14 Q. Left side or the right side?
15 A. I think the left side.
16 Q. Have you undergone any radiation
17 therapy following that surgery?
18 A. No. They said everything was
19 clean.
20 Q. Dr. Michael Crismali, is he your
21 family doctor?
22 A. He was, he was but no more, he
23 left about a month ago.
24 Q. How long was Dr. Crismali your
25 family doctor?

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1 A. Oh, I would say about 20 years.	Page 269	1 A. No.	Page 271
2 The new doctor is Tung; T-U-N-G.		2 Q. You mentioned as your sources of	
3 Q. Dr. Tung?		3 income pension and Social Security; is	
4 A. Yeah.		4 that correct?	
5 Q. And he's been your family		5 A. Yes.	
6 doctor --		6 Q. Do you have any other source of	
7 A. Yeah. For about --		7 monthly income?	
8 Q. -- for the last few months?		8 A. No.	
9 A. Yeah, last couple of months.		9 Q. Your wife gets Social Security	
10 Q. What sort of things did you see		10 also; is that correct?	
11 Dr. Crismani for over the years?		11 A. Yes.	
12 A. That's 20 years, general		12 Q. Does she have any other source	
13 checkup, you know.		13 of monthly income?	
14 Q. General checkups every year?		14 A. No.	
15 A. Yeah, I never went to the		15 Q. Is anyone other than your wife	
16 doctors much until these last four or		16 and partially your son Douglas in any way	
17 five years.		17 financially dependent upon you for	
18 Q. Did you ever treat with a		18 support, anybody else?	
19 Dr. Anthony Maniscalo?		19 A. My son gets -- loses his jobs	
20 A. Yeah, the name is familiar.		20 very easily.	
21 Q. Do you remember what you saw Dr.		21 Q. Well, you told me occasionally	
22 Maniscalo for?		22 you give some support to Douglas.	
23 A. No, he was, he was like a		23 A. Right.	
24 mystery doctor, I never seen him much, I		24 Q. Other than your wife and	
25 never seen him. I think I seen him for		25 Douglas, anyone else financially	

1 about ten minutes three different times	Page 270	1 dependent upon you for support?	Page 272
2 and I never knew what he did.		2 A. No.	
3 Q. And you also treated with		3 Q. Are you Medicare eligible, do	
4 Dr. Aditya Maheshwari?		4 you receive Medicare?	
5 A. Maheshwari, yeah.		5 A. I don't know.	
6 Q. Do you remember what you saw		6 Q. You don't know?	
7 Dr. Maheshwari for?		7 A. I do.	
8 A. No.		8 Q. That's what I'm asking.	
9 Q. Do you remember what kind of		9 A. Oh, I thought you meant my wife.	
10 doctor Dr. Maheshwari was?		10 Q. No, you.	
11 A. No, but I remember seeing him.		11 A. Yes.	
12 Q. Who is your next doctor's		12 Q. Do you have a supplement as	
13 appointment scheduled with?		13 well?	
14 A. I don't know. I give that		14 A. Yes.	
15 authority over to my wife, she takes care		15 Q. Who is the supplement with?	
16 of the calendar because of my memory.		16 A. GHI.	
17 Q. Do you know when your next		17 Q. Where do you get your	
18 doctor's appointment is?		18 prescriptions for medication filled?	
19 A. Could be this week or next week.		19 A. Hannas Drugstore.	
20 Q. You don't know off the top of		20 Q. Hannas?	
21 your head?		21 A. H-A-N-N-A-S.	
22 A. No.		22 Q. Where is Hannas Drugstore?	
23 Q. Did you ever file a Workers'		23 A. Rockaway Beach Boulevard.	
24 Compensation claim at any time during		24 Q. Have you spent any of your own	
25 your working lifetime?		25 money out-of-pocket for treatment for	

30 (Pages 269 - 272)

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<p style="text-align: right;">Page 273</p> <p>1 your current illness?</p> <p>2 A. Which one is that?</p> <p>3 Q. For your lung cancer condition</p> <p>4 have you spent any of your own money --</p> <p>5 A. No.</p> <p>6 Q. -- out of your own pocket?</p> <p>7 A. Not that I know of.</p> <p>8 Q. How was your health when you</p> <p>9 retired from the fire department in 1989?</p> <p>10 A. Great.</p> <p>11 Q. When did your health start to</p> <p>12 deteriorate?</p> <p>13 A. Right after I retired but</p> <p>14 slowly. I had 25 years of retirement, so</p> <p>15 I can't complain.</p> <p>16 Q. And gradually things began to</p> <p>17 crop up like your knee needed to be</p> <p>18 replaced and you had the arthroscopic</p> <p>19 surgery on your right knee, correct?</p> <p>20 A. Yeah. My left knee was...</p> <p>21 Q. Your left knee needed to be</p> <p>22 replaced and --</p> <p>23 A. Getting weaker. I'm waiting</p> <p>24 whether it's going to be my knee to go</p> <p>25 first or me to go first.</p>	<p style="text-align: right;">Page 275</p> <p>1 and I can't remember.</p> <p>2 Q. But you used about eight to ten</p> <p>3 bowls per day --</p> <p>4 A. Yeah,</p> <p>5 Q. -- to the best of your</p> <p>6 recollection?</p> <p>7 A. Yeah.</p> <p>8 Q. You retired from the FDNY around</p> <p>9 1989, right?</p> <p>10 A. Yes.</p> <p>11 Q. And this retirement was</p> <p>12 voluntary although you started to get a</p> <p>13 little slower as far as being able to do</p> <p>14 the work as a fireman, correct?</p> <p>15 A. Yes. Well, I had my 20 years in</p> <p>16 and a couple of bad fires and I quit, I</p> <p>17 retired.</p> <p>18 Q. Following your retirement when</p> <p>19 did you first start to notice your</p> <p>20 overall level of activity start to slow</p> <p>21 down?</p> <p>22 A. From retirement --</p> <p>23 Q. From the time you left the fire</p> <p>24 department.</p> <p>25 A. Oh, about ten years.</p>
<p style="text-align: right;">Page 274</p> <p>1 Q. To your knowledge has anyone</p> <p>2 filed any claims on your behalf to any</p> <p>3 bankrupt entities or bankruptcy trusts</p> <p>4 alleging an asbestos-related illness?</p> <p>5 A. No, not that I know of.</p> <p>6 Q. Not that you know of, okay.</p> <p>7 MR. WARSHAUER: Is that correct;</p> <p>8 no bankruptcy trusts filing to date?</p> <p>9 MR. FINLEY: Correct. I don't</p> <p>10 know if you're moving on to another</p> <p>11 topic but it's 12:30 --</p> <p>12 MR. WARSHAUER: Yes, I would say</p> <p>13 now is a pretty good time to break.</p> <p>14 MR. FINLEY: Let's take an hour.</p> <p>15 (Whereupon, at 12:33 P.M., a lunch</p> <p>16 recess was taken)</p> <p>17 (Back on the record at 1:53 P.M.)</p> <p>18 Q. Back on the record after a break</p> <p>19 for lunch, are you able to continue with</p> <p>20 your testimony, sir?</p> <p>21 A. Sure.</p> <p>22 Q. Do you recall the name of the</p> <p>23 pipe tobacco you used when you were</p> <p>24 smoking a pipe?</p> <p>25 A. I only smoked it for five years</p>	<p style="text-align: right;">Page 276</p> <p>1 Q. So, about the late 90s?</p> <p>2 A. Yeah.</p> <p>3 Q. What did you begin to experience</p> <p>4 in the late 90s?</p> <p>5 A. Getting harder to work and</p> <p>6 getting up in the morning and doing a</p> <p>7 full day's work and in the late 90s I was</p> <p>8 in my seventies, in my seventies.</p> <p>9 Q. Well, you weren't in your</p> <p>10 seventies, you were about 60, 63, 64.</p> <p>11 A. Oh, okay, yeah. But probably</p> <p>12 when it started to bother me.</p> <p>13 Q. What did you attribute that</p> <p>14 change in your health condition to at the</p> <p>15 time?</p> <p>16 A. My energy I guess.</p> <p>17 Q. Was there any particular</p> <p>18 condition or health-related condition</p> <p>19 that you attributed your lowering of your</p> <p>20 overall level of activity to at that</p> <p>21 time?</p> <p>22 A. At the end strangely enough we</p> <p>23 caught -- like three guys working, the</p> <p>24 same group, and we caught three bad fires</p> <p>25 in three weeks and we were all around the</p>

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1 same age and we were sitting out on the 2 sidewalk and we looked at each other and 3 it was a summer night and tanks on our 4 back and we're all exhausted, sweat 5 dripping and we said it's time, got to 6 get out.	1 A. Oh, that was quite a while ago, 2 I think about five years, at least five 3 years. 4 Q. So, you haven't been able to do 5 that at any time over the last five 6 years?
7 Q. You think it was just from the 8 demands or rigors or working for the fire 9 department?	7 A. No, no. 8 Q. Did you ever work around any 9 welders when you were working at the navy 10 yard?
10 A. Well, we had plenty of time, we 11 had all our time in.	11 A. Yeah.
12 Q. Do you think that it was due to 13 the demands or rigors of all those years 14 you spent working as a fireman?	12 Q. Do you think you were exposed to 13 welding smoke or fumes?
15 A. Probably an accumulation.	14 A. Yeah. They were teaching me how 15 to weld because -- I wasn't supposed to 16 weld but I used to weld every day.
16 Q. How has your overall health 17 condition changed since you suffered your 18 stroke?	17 Q. Did you use welding rods?
19 A. It's going down pretty rapidly.	18 A. Welding rods, yes.
20 Q. What have you noticed has 21 changed since you had your stroke?	19 Q. Do you think any of the welding 20 rods you used contained asbestos?
22 A. My walk, my gait, my steps, 23 everything. I walk pathetically but I've 24 started to come along too.	21 A. I don't know.
25 Q. You noticed that before, even	22 Q. Do you know who made any of the 23 welding rods you used?
1 before the stroke?	24 A. No. I used to use welding rods 25 for aluminum, special type of rod.
Page 278	Page 280
2 A. Yeah, yeah. So, I didn't know 3 it was really a stroke until I got out of 4 there. All of the volunteer fire 5 department are very aware of the elderly 6 community.	1 Q. Do you know who made those?
7 Q. Are you a member of the 8 volunteer fire department?	2 A. No. But I know who -- they made 3 an inner cast that went all around the 4 rod and was coming out burning.
9 A. Oh, no, no, no. Too old.	5 Q. And did you do that work when 6 you were at the navy yard?
10 Q. Have you been told by a doctor 11 to limit your overall activity levels 12 since the stroke?	7 A. Yeah, when I was a sheet metal 8 worker. He'd do something for me and I'd 9 do something for him.
13 A. No. I was always very active, I 14 went to the gym three days a week. I 15 used to run three or four days a week, 16 average 10 to 12 miles every day.	10 Q. Did you do any welding at United 11 Vari?
17 Q. You used to run 10 or 12 miles a 18 day?	12 A. No.
19 A. Yeah. Not seven days a week, 20 three or four days a week.	13 Q. Just when you were working at 14 the navy yard?
21 Q. And you haven't been able to do 22 that since the stroke?	15 A. Right. Soldering, I did 16 soldering at the navy yard.
23 A. No.	17 Q. You did soldering too?
24 Q. When did you stop running that 25 much?	18 A. Yeah. Sometimes I soldered for, 19 you know.
	20 Q. Did you breathe in fumes when 21 you were doing soldering as well?
	22 A. I'm sure I did, yeah.
	23 Q. Did you ever wear any protective 24 equipment when you were doing welding or 25 soldering?

32 (Pages 277 - 280)

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1	A. Yeah, I used a mask.	1 A. Not a lot.
2	Q. How about gloves?	2 Q. How long were you hospitalized
3	A. Yeah, I used gloves, yeah.	3 following that surgery?
4	Q. Did you use gloves when you were	4 A. Oh, only about a week.
5	welding?	5 Q. Any other surgeries that you can
6	A. Yeah.	6 recall?
7	Q. Do you know whether those gloves	7 A. No, I think that's enough.
8	contained asbestos?	8 Probably dig up a few more if you want.
9	A. No, I don't.	9 Q. Just what you recall. Nothing
10	Q. Do you know who made them?	10 else you can recall?
11	A. No. I just wore them.	11 A. No.
12	Q. Other than the left knee	12 MR. FINLITY: Just what you
13	replacement, the arthroscopic surgery on	13 remember.
14	your right knee, the back surgery, the	14 A. No.
15	two carotid artery surgeries, the	15 Q. Do you derive any monthly income
16	radioactive seed implantation following	16 from any other investment sources from
17	your prostate cancer diagnosis, your hand	17 stocks or bonds or annuities or anything
18	surgery and the surgery you had on your	18 like that?
19	lung following your lung cancer	19 A. No.
20	diagnosis, have you ever had any other	20 Q. Have you ever been a member of
21	surgeries during your lifetime that you	21 any other union other than the UFA when
22	can presently recall?	22 you were a member of the New York City
23	A. I had surgery on my arm	23 Fire Department?
24	(indicating).	24 A. Yeah, it was literally a sheet
25	Q. Indicating your left arm?	25 metal union there that I got on.
	Page 282	Page 284
1	A. Yeah.	1 Q. Right but you said that wasn't
2	Q. Why did you have surgery on your	2 really a union.
3	left arm?	3 A. No, it wasn't, it was a fugazi
4	A. I tripped on the stairs and I	4 one.
5	broke off the tendon going from my elbow	5 Q. It wasn't an official union.
6	to my shoulders.	6 A. No. It was heavy hitters, just
7	Q. How long ago did you do that?	7 collect the money, you know.
8	A. Oh, that was quite a while,	8 Q. You didn't go to any meetings
9	about fifteen years ago. I couldn't hold	9 other than --
10	my arm up, it would fall down.	10 A. No.
11	Q. Where did you have that surgery	11 Q. -- them hitting you up for
12	performed?	12 money?
13	A. I don't know.	13 A. But we had to, otherwise we got
14	Q. Do you remember the name of the	14 strong armed.
15	doctor that performed that surgery?	15 Q. You told me earlier you were
16	A. I always put my arm and this	16 familiar with the name Johns-Manville,
17	tendon was broke, it's all messed up.	17 with what do you associate that name?
18	Q. Do you have any limitation in	18 A. Johns-Manville?
19	the mobility of your left arm?	19 Q. Johns-Manville.
20	A. Not really, it's not bad, it	20 A. It's insulation.
21	just falls down. It would fall down when	21 Q. Do you think you ever worked
22	I didn't have the surgery. I forgot	22 either directly with or around any
23	all --	23 insulation products manufactured by
24	Q. You lost some strength in your	24 Johns-Manville over the course of your
25	left arm?	25 career?

33 (Pages 281 - 284)

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1 A. Oh, yeah, I'm quite sure.
 2 Q. And you think that contributed
 3 to your overall exposure to asbestos?
 4 A. I guess so. Johns-Manville was
 5 very popular.
 6 Q. Are you familiar with a company
 7 or entity known as Babcock and Wilcox?
 8 A. No.
 9 Q. Are you familiar with a company
 10 or entity known as Combustion
 11 Engineering?
 12 A. No.
 13 Q. Are you familiar with a company
 14 or entity known as Harbison Walker?
 15 A. No.
 16 Q. How about NARCO or North
 17 American Refractories?
 18 A. Neither, neither.
 19 MR. FINLEY: What was that?
 20 A. Neither one.
 21 MR. WARSHAUER: Sir, I'm going to
 22 look over all my notes, those are all
 23 the questions I have for you right now.
 24 I may have some additional questions for
 25 you a little later on after your

1 The same rules apply. If you --
 2 A. Yeah.
 3 Q. I'm just going to ask you to let
 4 me finish my questions before you give me
 5 your answers. If you don't understand
 6 anything that -- some of my questions,
 7 just let me know, I will try to rephrase
 8 them.
 9 A. Okay.
 10 Q. Thank you.
 11 A. Where are you from, Weitz and
 12 Luxenberg?
 13 Q. Aaronson, Rappaport, Feinstein
 14 and Deutsch.
 15 MR. FINLEY: I'm Weitz and
 16 Luxenberg.
 17 THE WITNESS: Oh, that's right.
 18 MR. FINLEY: Your lawyers.
 19 Q. Mr. Brown, you testified that
 20 you were -- while you were a firefighter,
 21 you were pulled out of several fires for
 22 smoke inhalation; is that correct?
 23 A. Yeah, yeah.
 24 Q. How many times did that occur?
 25 A. I would say roughly three times

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1 attorney asks you some questions.
 2 THE WITNESS: Don't knock yourself
 3 out.
 4 MR. WARSHAUER: I'll try not to,
 5 I'm going to step aside now and see if
 6 some of the other attorneys in this room
 7 have some additional questions --
 8 THE WITNESS: All right.
 9 MR. WARSHAUER: -- for you. I
 10 thank you very much for your time over
 11 the last two days.
 12 THE WITNESS: Thank you.
 13 MR. FINLEY: Anybody in the room?
 14 MR. LARANCUENT: Yes, I have some
 15 questions.
 16 CROSS-EXAMINATION
 17 BY MR. LARANCUENT:
 18 Q. Good afternoon, Mr. Brown. My
 19 name is Illianov Lopez Larancuent, I'm
 20 with the firm of Aaronson, Rappaport,
 21 Feinstein and Deutsch.
 22 I'm going to be asking you some
 23 follow-up questions regarding some of the
 24 automotive work that you did while you
 25 were in the fire department.

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1 at least. They pull that -- sometimes
 2 you throw up before you get pulled out,
 3 sometimes you just throw up and walk out.
 4 Q. On those three occasions that
 5 that happened, how many times -- were you
 6 unconscious during any of these times?
 7 A. No, no.
 8 Q. How many times did you throw up?
 9 A. Overall, then I went back and
 10 fought the fire.
 11 Q. After you were pulled up, did
 12 you ever have to go to an infirmary or a
 13 clinic --
 14 A. No.
 15 Q. -- to get treatment?
 16 A. No. I didn't pass out or
 17 anything but I got -- just fed smoke, it
 18 happens that you throw up.
 19 Q. So, during the time that you had
 20 smoke inhalation, you were inhaling the
 21 smoke from the fire into your lungs,
 22 correct?
 23 A. Yeah.
 24 Q. Were you wearing a mask?
 25 A. Not at that time.

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1 Q. During your career did you wear
2 a mask when you were fighting fires?

3 A. Oh, yeah.

4 Q. Did you always wear a mask?

5 A. Yeah. Well, not all the time,
6 no, no. A lot of times when we were
7 first, we didn't take the time to put on
8 a mask, we just ran in and the second we
9 realized, we put on a mask.

10 Q. So, how often would you say that
11 you would go into a fire without wearing
12 a mask?

13 A. Pretty often, pretty often.

14 First engine company would go in without
15 the mask and that would happen with every
16 alarm. And we'd get the oil burner
17 fires, oil ignition where there was no
18 fire but smoke, only smoke down there.

19 Q. At any time during your career
20 when you were fighting these fires, did
21 you ever have to break down walls or
22 ceilings?

23 A. Yeah.

24 Q. How many times did that occur?

25 A. I don't know. I remember

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1 refrigerator and everything, after the
2 fire is burning on and you couldn't find
3 the fire, after the fire was burning
4 underneath, the weight finally got to the
5 floor and fell through the floor so it
6 took three or four firefighters.

7 Q. I want to ask you some questions
8 about your testimony regarding the Ford
9 van that you had while you were at the
10 fire department.

11 A. The Ford van?

12 Q. Yes, the Ford van. You owned a
13 Ford van while you --

14 A. Oh, the Ford van, yes.

15 Q. Now, you testified that you
16 performed about 30 brake jobs on this
17 van?

18 A. Yeah.

19 Q. And that was over a period of
20 twelve years that you --

21 A. Probably, yeah.

22 Q. So, you were performing two to
23 three brake jobs per year on this van?

24 A. Yeah.

25 Q. Is there any reason why you were

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1 breaking down a wall on Flatbush Avenue,
2 Atlantic Avenue. It was an A&P or a
3 supermarket, it was built over a prison
4 down in Red Hook, the wall was 8 feet
5 thick.

6 Q. And what tool did you use to
7 break that wall down?

8 A. A sledge and we had four men on
9 the other side that we had to get out, we
10 lost three of them I think.

11 Q. Do you remember what decade you
12 did that?

13 A. Oh, that was very early in my
14 career.

15 Q. So, it would have been the early
16 60s?

17 A. Early 60s or 70s.

18 Q. Now, fair to say that that
19 building was an older building?

20 A. Well, it was like I said on
21 Flatbush Avenue and closer to the water
22 and it was built, it was built over --
23 the A&P supermarket, it was built over a
24 prison. And, you know, that's what
25 happened, all the big machinery,

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1 performing so many brake jobs on that
2 van?

3 A. I was heavy on the brake pedal
4 and the weights I carried were average
5 2,000 pounds, maybe more. And going from
6 the job to the buildings where we would
7 put on the roof, you know, it was tough
8 going up hills and down, tough on the
9 brakes. The van I had was a standard
10 clutch and I used to use that to help
11 brake.

12 Q. Now, on those two to three brake
13 jobs that you were doing on that van per
14 year, were you sometimes just replacing
15 the front or rear brakes or did you
16 always replace all four brakes?

17 A. All four brakes. If the ones
18 were bad, I pull off the drum and I look
19 at it and if it was thin, you know, no
20 ribbon showing or anything, I would put
21 it back.

22 Q. And this Ford van had drum
23 brakes in the front and in the rear?

24 A. Yeah.

25 Q. Now, you purchased this van,

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1 when you first purchased it it was a used
 2 van, correct?
 3 A. Yes.
 4 Q. The very first time you
 5 performed a brake job on that van, were
 6 you able to tell what the manufacturer of
 7 the brakes that you were removing?
 8 A. No, I don't think, I don't think
 9 I could tell what it was.
 10 Q. And did you always use Bendix
 11 replacement brakes?
 12 A. Yeah, usually.
 13 Q. When you say usually did you use
 14 any other brakes?
 15 A. Well, because it was disk
 16 brakes, we'd go to automotive stores and
 17 we would easily get them. Go to one
 18 automotive store right off Hamilton
 19 Avenue and ask for Bendix. If I had to
 20 wait a day, I'd wait a day, I always
 21 liked to keep the same brakes.
 22 Q. I just want to clarify. You
 23 said that you usually used Bendix.
 24 A. Yeah.
 25 Q. Did you usually or always use

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1 Bendix?
 2 A. I would say -- well, I was at
 3 the same firehouse all the time and I
 4 bought my stuff at the same store. I
 5 always used it, I always know that always
 6 or never what should be used or should
 7 not be used.
 8 Q. So, if the store where you used
 9 to go and buy the Bendix brakes, if they
 10 didn't have them available what other
 11 manufacturer of brakes would you use?
 12 A. Well, I could wait. I don't
 13 know if you know Red Hook but there's a
 14 lot of automotive stores out there, you
 15 could always get them, so I'd go to the
 16 next store. I never had trouble getting
 17 Bendix brakes.
 18 Q. Now, Mr. Brown, you also
 19 testified that you also performed clutch
 20 jobs on this Ford van, correct?
 21 A. Yeah.
 22 Q. Can you give me an estimate of
 23 how many times you performed a clutch
 24 job?
 25 A. Not all that much, not clutch --

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1 what's the other thing I was working on?
 2 Q. You were just talking about
 3 brakes.
 4 A. Yeah.
 5 Q. Which you said you performed two
 6 to three times per year.
 7 A. We're talking about clutch or
 8 brakes?
 9 Q. Now for the clutches do you know
 10 how many times you performed those over
 11 the twelve year period that you had that
 12 van?
 13 A. Oh, I didn't do as many clutches
 14 as I did brakes.
 15 Q. Did you do a clutch job once
 16 every couple of years?
 17 MR. WARSIIAUER: Objection.
 18 A. Oh, yeah, easy. The clutch used
 19 to go on that too. He had a hard time
 20 getting -- I don't know what kind of
 21 clutch he used but I had to go to a
 22 special place to buy the clutch plate.
 23 Q. Where did you go and purchase --
 24 where did you purchase your clutch parts?
 25 A. I don't know, there was a place

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1 on 86th Street.
 2 Q. Do you recall the name of the
 3 store, --
 4 A. No.
 5 Q. -- of the parts store?
 6 A. No. That was quite a while ago
 7 now.
 8 Q. So, you don't recall any -- the
 9 manufacturer of the clutches that you
 10 installed?
 11 A. No, no.
 12 Q. I want to move on to the brake
 13 jobs that you performed or assisted with
 14 for your fellow firefighters.
 15 A. I think it was a double name
 16 clutch, two names they had. I can't,
 17 can't see what was on it.
 18 Q. I want to move on to the brake
 19 jobs you performed on vehicles belonging
 20 to your fellow firefighters. Now, for
 21 the brake jobs that you performed on
 22 those vehicles that belonged to your
 23 fellow firefighters, you weren't able to
 24 tell if the brake, the manufacturer of
 25 the brake that you were removing,

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1 correct?	1 firefighters with clutch jobs?
2 A. No, not really. I don't know if	2 MR. WARSHAUER: Objection, asked
3 I -- I don't remember if I could see on	3 and answered.
4 the brake pad, the name of it, I don't	4 A. I don't know. You can go over,
5 know.	5 help them put on one or two nuts, it
6 Q. Now, what about for the brake	6 would take ten minutes, that's all they
7 jobs that other firefighters around you	7 needed to get on the drum. It's all
8 were performing, were you able to tell	8 various times.
9 what brake, what manufacturer of brakes	9 Q. Did the portion of what you did,
10 they were removing?	10 did that include removing the clutch?
11 A. Oh, no, I don't know.	11 A. Sometimes.
12 Q. Fair to say that you also don't	12 Q. On those occasions where you
13 know the manufacturer of the brakes that	13 helped your fellow firefighters remove a
14 the other firefighters around you were	14 clutch, were you able to tell the make,
15 installing?	15 brand or manufacturer of the clutch?
16 A. No, I guess not. They were in	16 MR. WARSHAUER: Objection, asked
17 the same neighborhood as the firehouse	17 and answered.
18 though.	18 A. The clutch would be removed and
19 Q. Now, I'm referring to the -- you	19 I wouldn't see what it was because he
20 said in the firehouse there would be	20 took it out.
21 other firefighters performing automotive	21 MR. LARANCUENT: Mr. Brown, thank
22 repair work around you, correct?	22 you. Those are all the questions I have
23 A. Not in the firehouse, in an	23 for now. I'm going to review my notes
24 alley.	24 but for now those are all the ones I
25 Q. In an alley, was that next to	25 have. Thank you.
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1 the firehouse?	1 THE WITNESS: I have more if you
2 A. Yeah.	2 want.
3 Q. Now, would you be around other	3 MR. LARANCUENT: Thank you.
4 firefighters as they would be doing brake	4 MR. FINLEY: Does anybody else in
5 jobs?	5 the room have questions?
6 A. Yeah, I guess so, yeah, yeah.	6 (No verbal response given)
7 Q. But you're not able to tell the	7 MR. FINLEY: Does anybody on the
8 manufacturer of the brakes --	8 phone have any questions?
9 A. No.	9 (No verbal response given)
10 Q. -- that they were putting in?	10 MR. FINLEY: Why don't we take
11 A. No. But I presumed that they	11 five minutes, I'm going to check in with
12 were Bendix because we always went to the	12 him and figure out what we're doing.
13 same store with the one rig.	13 (Whereupon, at 2:21 P.M., a short
14 Q. But you don't know that,	14 recess was taken)
15 correct?	15 (Back on the record at 2:34 P.M.)
16 A. No. I mean, I used to go to the	16 MR. FINLEY: This is plaintiff's
17 store with them and everything, buy the	17 counsel, Patrick Finley. It is
18 parts. I don't know if I physically seen	18 approximately 2:34. After speaking with
19 the Bendix brake come in, go out.	19 my client he is unable to continue
20 Q. Now, you testified that you also	20 testifying today. We are going to
21 helped your fellow firefighters with	21 adjourn for the afternoon and will be
22 clutch jobs, correct?	22 back at 10:00 A.M. tomorrow. Thank you.
23 A. Yes.	23 (Whereupon, at 2:34 P.M., the
24 Q. Can you give me an estimate of	24 examination of this witness was
25 how many times you helped your fellow	25 adjourned.)

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<p>1 WITNESS CERTIFICATION</p> <p>2</p> <p>3</p> <p>4 I have read the foregoing transcript of</p> <p>5 my testimony and find it to be true and</p> <p>6 accurate to the best of my knowledge and</p> <p>7 belief.</p> <p>8</p> <p>9</p> <p>10 <u>FREDERICK G. BROWN</u></p> <p>11</p> <p>12 Subscribed and sworn to</p> <p>13 before me on this</p> <p>14 day of _____ 2017.</p> <p>15</p> <p>16</p> <p>17 Notary Public</p> <p>18</p> <p>19 *</p> <p>20 *</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 301</p> <p>1 CERTIFICATION</p> <p>2</p> <p>3 I, CHERYL F. SOLOMON, a Stenotype</p> <p>4 Shorthand Reporter and Notary Public within</p> <p>5 and for the State of New York, do hereby</p> <p>6 certify that the within Continued</p> <p>7 Examination Before Trial of FREDERICK G.</p> <p>8 BROWN was held before me and I faithfully</p> <p>9 and impartially recorded stenographically</p> <p>10 the questions, answers and colloquy.</p> <p>11 I further certify that after said</p> <p>12 examination was recorded stenographically by</p> <p>13 me, it was reduced to typewriting under my</p> <p>14 supervision, and I hereby submit that the</p> <p>15 within contents of said examination are true</p> <p>16 and accurate to the best of my ability.</p> <p>17 I further certify that I am not a</p> <p>18 relative of nor an attorney for any of</p> <p>19 the parties connected with the aforesaid</p> <p>20 examination, nor otherwise interested in</p> <p>21 the testimony of the witness.</p> <p>22</p> <p>23</p> <p>24 <u>CHERYL F. SOLOMON</u></p> <p>25</p>
<p>1 INDEX TO TESTIMONY</p> <p>2</p> <p>3 EXAMINATION BY PAGE LINE</p> <p>4 Continued Direct Examination 163 8</p> <p>5 by Mr. Warshauer</p> <p>6 Cross-Examination 286 16</p> <p>7 by Mr. Larancuent</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 302</p> <p>1 BERRATA SHEET</p> <p>2 Priority One Court Reporting/Veritext</p> <p>3 718-983-1234</p> <p>4 ASSIGNMENT NO. PI 2744596</p> <p>5 CASE NAME: Brown, Frederick v. Asbestos</p> <p>6 DATE OF DEPOSITION: 1/20/2017</p> <p>7 WITNESS' NAME: Frederick G Brown</p> <p>8 PAGE/LINE(S)/ CHANGE REASON</p> <p>9 / / /</p> <p>10 / / /</p> <p>11 / / /</p> <p>12 / / /</p> <p>13 / / /</p> <p>14 / / /</p> <p>15 / / /</p> <p>16 / / /</p> <p>17 / / /</p> <p>18 / / /</p> <p>19 / / /</p> <p>20 Frederick G Brown</p> <p>21 (Notary not required in California)</p> <p>22 SUBSCRIBED AND SWORN TO</p> <p>23 BEFORE ME THIS DAY</p> <p>24 OF , 2018</p> <p>25 NOTARY PUBLIC</p> <p>26 MY COMMISSION EXPIRES</p>

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1 SUPREME COURT

2 ALL COUNTIES WITHIN THE CITY OF NEW YORK

3

4 IN RE: NEW YORK CITY ASBESTOS LITIGATION

5

6

7

8 DEPOSITION UNDER ORAL

9 EXAMINATION OF

10 FREDERICK G. BROWN

11 (VOLUME III)

12

13

14

15 This Document Applies To:

16 FREDERICK G. BROWN

17 INDEX NO.: 190195-17

18

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1 Transcript of the deposition of
 2 the Plaintiff called for Oral Examination
 3 in the above-captioned matter, said
 4 deposition being taken pursuant to
 5 Federal Rules of Civil Procedure by and
 6 before CHERYL F. SOLOMON, a Notary Public
 7 and Shorthand Reporter, at the Hampton
 8 Inn, One North Avenue, Garden City, New
 9 York, on Thursday, December 21, 2017,
 10 commencing at approximately 10:23 in the
 11 forenoon.

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25 Job No. 2780313

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PRIORITY ONE REPORTING (718) 983-1234

	<p style="text-align: right;">Page 309</p> <p>1 McELROY, DEUTSCHE, MULVANEY & CARPENTER, LLP 2 Attorneys for Defendant Eaton 3 1300 Mount Kemble Avenue 4 Morristown, New Jersey 07962-2075 5 BY: DENISE D. HARRIS, ESQ.</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 311</p> <p>1 FREDERICK G. BROWN, 2 the Plaintiff herein, having previously 3 been duly sworn by the Notary Public, was 4 examined and testified as follows:</p> <p>5 MR. FINLEY: Does anyone in the 6 room have any questions before I ask my 7 questions this morning?</p> <p>8 (No verbal response given)</p> <p>9 MR. FINLEY: Anybody on the phone?</p> <p>10 (No verbal response given)</p> <p>11 EXAMINATION BY</p> <p>12 MR. FINLEY:</p> <p>13 Q. Good morning, Mr. Brown.</p> <p>14 A. Good morning.</p> <p>15 Q. How are you today?</p> <p>16 A. Good.</p> <p>17 Q. As you know my name is Patrick 18 Finley and I am your attorney 19 representing you from Weitz and 20 Luxenberg.</p> <p>21 Now, I'm going to ask you a 22 couple of questions today, okay? Even 23 though I'm your attorney, the same rules 24 apply as when Andrew and some of the 25 other lawyers spoke with you this week.</p> <p style="text-align: right;">Page 310</p> <p>1 IT IS HEREBY STIPULATED, by and between 2 the attorneys for the respective parties 3 hereto, that filing, sealing and 4 certification of the within Examination 5 Before Trial be waived; that all objections, 6 except as to form, are reserved to the time 7 of trial.</p> <p>8 IT IS FURTHER STIPULATED AND AGREED that 9 the transcript may be signed before any 10 Notary Public with the same force and effect 11 as if signed before a Clerk or Judge of the 12 Court.</p> <p>13 IT IS FURTHER STIPULATED AND AGREED that 14 all rights provided to all parties by the 15 CPLR shall not be deemed waived and the 16 appropriate sections of the CPLR shall be 17 controlling with respect thereto.</p> <p>18 IT IS FURTHER STIPULATED AND AGREED by 19 and between the attorneys for the respective 20 parties hereto that a copy of the 21 Examination shall be furnished, without 22 charge, to the attorney representing the 23 witness testifying herein.</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 312</p> <p>1 If I ask you a question, if you 2 don't understand my question or if you 3 need me to rephrase it, please let me 4 know and I'll do so. Please, wait for me 5 to finish asking my question before you 6 start your answer so that the court 7 reporter gets everything down and that's 8 pretty much it. Same ground rules apply 9 even though I'm your lawyer.</p> <p>10 Now, before we begin did you 11 take any medications today that are 12 different than the medications you took 13 on Tuesday and Wednesday that you 14 previously testified to?</p> <p>15 A. No.</p> <p>16 Q. Is there anything about the way 17 you feel today that would prohibit you 18 from testifying this morning?</p> <p>19 A. No.</p> <p>20 Q. So you're good to go?</p> <p>21 A. Yup.</p> <p>22 Q. Okay, good.</p> <p>23 Now, I'm going -- I'd like to 24 draw your attention to the time period 25 right after you graduated high school,</p>
--	---	--

3 (Pages 309 - 312)

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<p>1 okay?</p> <p>2 A. Okay.</p> <p>3 Q. So, I believe you testified on</p> <p>4 Tuesday and Wednesday you graduated high</p> <p>5 school in approximately 1953; is that</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. And after you graduated you</p> <p>9 started to work as a sheet metal worker</p> <p>10 with E.D. Rakison --</p> <p>11 A. Yeah.</p> <p>12 Q. -- which I believe was also</p> <p>13 United Vari?</p> <p>14 A. Vari-Crafts.</p> <p>15 Q. Okay, correct. And you worked</p> <p>16 there from approximately 1953, 1954 to</p> <p>17 about 1955; is that correct?</p> <p>18 A. Yeah.</p> <p>19 Q. So, I want to talk to you just</p> <p>20 about that time period right now.</p> <p>21 A. Then the service.</p> <p>22 Q. And then you went into the</p> <p>23 service, right? Okay. So, what I want</p> <p>24 to talk to you about right now is the</p> <p>25 period between 1953 and when you went</p>	<p>1 MR. FINLEY: Withdrawn.</p> <p>2 Q. As part of your responsibilities</p> <p>3 at E.D. Rakison, did you have to travel?</p> <p>4 A. Travel where, meaning where?</p> <p>5 Q. So, your job responsibilities as</p> <p>6 a sheet metal worker you worked in the</p> <p>7 shop, correct?</p> <p>8 A. Yeah.</p> <p>9 Q. Did there ever come a point in</p> <p>10 time where you would have to leave the</p> <p>11 shop for work purpose?</p> <p>12 A. Sometimes I had to hang some</p> <p>13 signs.</p> <p>14 Q. And would you hang the signs at</p> <p>15 commercial and industrial locations</p> <p>16 throughout --</p> <p>17 A. Yeah. On banks and stuff.</p> <p>18 Q. And would that be throughout New</p> <p>19 York City?</p> <p>20 A. Yes. Basically Brooklyn and New</p> <p>21 York.</p> <p>22 Q. Brooklyn, Manhattan?</p> <p>23 A. Brooklyn and Manhattan.</p> <p>24 Q. Queens?</p> <p>25 A. Maybe a few in Queens. I didn't</p>
Page 314	Page 316
<p>1 into the service in 1955, so that two</p> <p>2 year period at E.D. Rakison, okay?</p> <p>3 A. Yeah.</p> <p>4 Q. Just so we're clear, that this</p> <p>5 is the only period right now that we're</p> <p>6 talking about.</p> <p>7 A. Okay.</p> <p>8 Q. Your job responsibilities there,</p> <p>9 you were a sheet metal worker and you</p> <p>10 assisted in the creation of signs,</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. And I believe that you testified</p> <p>14 that you worked, the plant was on 9th</p> <p>15 Street and Fifth Avenue in Brooklyn?</p> <p>16 A. Yes.</p> <p>17 Q. And that at some point it moved</p> <p>18 to Union Street between Seventh and</p> <p>19 Eighth Avenue in Brooklyn?</p> <p>20 A. Yes. It moved into bigger</p> <p>21 shops.</p> <p>22 Q. Now, as part of your</p> <p>23 responsibilities at E.D. Rakison, you</p> <p>24 worked both in the shop and did you ever</p> <p>25 --</p>	<p>1 go into the Bronx or Staten Island.</p> <p>2 Q. So, during this period of time</p> <p>3 between about 1953 and 1955, you would</p> <p>4 travel throughout Brooklyn and Manhattan;</p> <p>5 is that correct?</p> <p>6 A. Yeah.</p> <p>7 Q. Sometimes Queens?</p> <p>8 A. Yeah.</p> <p>9 Q. And what type of locations would</p> <p>10 you be going to?</p> <p>11 A. Various ones, John's bargain</p> <p>12 stores were very popular, it was a chain</p> <p>13 of stores.</p> <p>14 Q. So, you would be going to</p> <p>15 commercial locations?</p> <p>16 A. Yes.</p> <p>17 Q. Did there ever come a point in</p> <p>18 time where you would go to industrial</p> <p>19 locations?</p> <p>20 A. I guess, offhand I don't</p> <p>21 remember.</p> <p>22 Q. But you definitely remember</p> <p>23 going to commercial locations; --</p> <p>24 A. Yeah.</p> <p>25 Q. -- is that correct?</p>

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1 When you were going to these 2 locations, would there sometimes be other 3 tradesmen who would be working at these 4 locations?	1 (All defendants object)	
5 A. Oh, yeah, all kinds.	2 A. Yeah.	
6 Q. So, these would be -- can you 7 tell me what type of tradesmen would be 8 there?	3 Q. At the end of your time at E.D. 4 Rakison, that was about 1955; is that 5 correct?	
9 A. There would be everything, there 10 would be plumbers, electricians, 11 carpenters, all, all the trades that they 12 needed.	6 A. Yeah.	
13 Q. So, you would be working either 14 hanging the sign or doing some type of 15 sheet metal work --	7 Q. After that period of time, you 8 went into the United States Air Force; is 9 that correct?	
16 A. Yeah.	10 A. Correct.	
17 Q. -- and there would be plumbers 18 and electricians and carpenters working 19 around you; --	11 Q. And you were in the air force 12 you said for about three --	
20 A. Yeah.	13 A. Four years.	
21 (All defendants object)	14 Q. About four years?	
22 Q. -- is that correct?	15 A. Three years and eight months I 16 think.	
23 A. Yes.	17 Q. About three years and eight 18 months, okay. So, that would bring us to 19 about 1958?	
24 (All defendants object)	20 A. Right.	
25 Q. Again, during this period	21 Q. When you got out of the air 22 force, you started to work again with 23 E.D. Rakison, --	
	24 A. Right.	
	25 Q. -- correct? So, that would be	
Page 318		Page 320
1 between 1953 and about 1955, do you 2 recall offhand approximately how many 3 commercial and industrial locations you 4 would have been to throughout New York 5 City?	1 in about 1958?	
6 (All defendants object to form)	2 A. Yes.	
7 Q. You can answer the question.	3 Q. Do you recall for about how long 4 you worked for E.D. Rakison before you 5 went to the navy yards?	
8 (All defendants object, asked and 9 answered)	6 A. Not too long, I knew that job 7 wasn't going anywhere.	
10 A. I don't recall.	8 I keep losing my voice.	
11 Q. Was it many?	9 Q. Would you like some water?	
12 (All defendants object)	10 A. No, no. I think it's in my 11 throat.	
13 Q. You can answer the question.	12 Q. If you need to take a moment or 13 take a break or get some water, just let 14 me know, okay?	
14 (All defendants object)	15 A. Okay. I'm fine but I think it's 16 going to be a permanent thing which I 17 don't like.	
15 A. Not too many, I don't think, not 16 -- I did most of my work in the shop.	18 Q. We'll go slow and take your 19 time.	
17 Q. Do you recall the type of work 18 that the tradesmen that you would have 19 been around on the instances where you 20 did travel, what type of work they'd be 21 doing?	20 A. Okay.	
22 (All defendants object)	21 Q. So, when you got out of the air 22 force and you started with E.D. Rakison, 23 again were your job duties about the same 24 as they were before you went into the air 25 force?	

5 (Pages 317 - 320)

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	Page 321	Page 323
1	(All defendants object)	1 A. Yes.
2	A. My job in E.D. Rakison?	2 Q. And that was in 1958?
3	Q. When you went back after --	3 A. Yeah.
4	A. Oh, yeah.	4 Q. Would that also have been in
5	Q. -- you left the service.	5 1959?
6	A. Same thing, yeah.	6 (All defendants object)
7	Q. So you did the same work?	7 A. '58 or --
8	A. Yeah.	8 Q. Do you recall the years that you
9	Q. And that work included both	9 worked at E.D. following the service?
10	being in the shop and being at other	10 A. Yeah. '58 -- it would be '59.
11	locations?	11 Q. So, 1958 and 1959. And when you
12	(All defendants object)	12 went to those sites, would you have seen
13	A. Right.	13 the same tradesmen, the same types of
14	Q. And those locations, would they	14 tradesmen that you testified to
15	also have been throughout New York City?	15 previously?
16	(All defendants object)	16 (All defendants object)
17	A. Would they all what?	17 A. What was the question again?
18	Q. Throughout New York City.	18 Q. You saw the same types of
19	A. For E.D.?	19 tradesmen?
20	Q. For E.D., yes. Would you have	20 (All defendants object)
21	to go to locations commercial and	21 A. Yeah.
22	industrial?	22 Q. And then at some point you
23	(All defendants object)	23 started to work at the Brooklyn Navy
24	A. I'd take these outside jobs	24 Yard, correct?
25	occasionally.	25 A. Yes.
	Page 322	Page 324
1	Q. And they'd be the same types of	1 Q. Do you recall what year that
2	locations --	2 was?
3	(All defendants object)	3 A. I guess it was '59, starting in
4	A. Basically I was in the shop most	4 '59.
5	of the time.	5 Q. Approximately 1959?
6	Q. You were in the shop most of the	6 A. Yeah.
7	time --	7 Q. And I believe you testified on
8	A. Yeah.	8 Tuesday that the first place you worked
9	Q. -- but there would be some times	9 at the navy yards was shop 17; is that
10	you would --	10 correct?
11	A. Yeah.	11 A. Right. I had to take a test to
12	Q. -- have to travel?	12 get in to there, mechanic, sheet metal
13	A. Yeah.	13 mechanic.
14	(All defendants object)	14 Q. You took a sheet metal mechanic
15	A. Like a special job or if I was	15 exam?
16	working on in the shop, I would go to the	16 A. Yeah. Otherwise I would have
17	site and install it.	17 been an apprentice and it was St. Paddy's
18	Q. You would have to go to the site	18 Day, the guy said you pass.
19	and install it, is that what you said?	19 Q. So, you went in as a mechanic,
20	A. Yeah.	20 not as an apprentice then?
21	Q. And those sites were throughout	21 A. Yeah.
22	New York City, --	22 Q. You got to skip that part.
23	A. Yes.	23 A. Yeah.
24	Q. -- correct?	24 Q. And when you started you started
25	(All defendants object)	25 at shop 17, correct?

6 (Pages 321 - 324)

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1	A. Correct.	1 Q. You're --
2	Q. And is that located at the	2 A. It was a pretty dirty shop.
3	Brooklyn Navy Yard?	3 Q. What do you mean by that?
4	A. In the navy yard.	4 A. Well, it was dirty, it wasn't
5	Q. In the Brooklyn Navy Yard, okay.	5 swept up that much, dust all over the
6	A. Yeah.	6 place.
7	Q. And was shop 17 a designated	7 Q. Was there any piping inside shop
8	sheet metal shop?	8 17?
9	A. Yeah, yeah.	9 A. All along the walls but I don't
10	Q. Were there any other tradesmen	10 know the condition they were.
11	that were working in shop 17?	11 Q. Do you recall if that piping was
12	A. Mostly sheet metal workers.	12 insulated?
13	Q. As part of your duties at shop	13 A. No, I don't.
14	17, did you have to go on to any of the	14 Q. During the period of time you
15	ships that were docked there?	15 worked at shop 17, do you recall what
16	(All defendants object)	16 your hours were?
17	A. I used to work on a ship and	17 A. It's regular -- yeah, I would
18	come back to the shop, yeah, right.	18 say eight to four or nine to five, either
19	Q. Do you recall for approximately	19 one.
20	how long you worked at shop 17?	20 Q. Eight to four or nine to five,
21	A. Probably about a year and a	21 is that Monday to Friday?
22	half. They tested me to see what I could	22 A. Yeah.
23	do, what type of work I did because you	23 Q. Did you have to work on nights
24	were on a ship, sometimes you'd be your	24 or weekends?
25	own supervisor and they wanted to make	25 A. Oh, I worked all the time every
	Page 326	Page 328
1	sure you're doing work.	1 day.
2	MS. FLUITT: Can I have a read	2 Q. During a given seven day period
3	back, please?	3 of time, how often would you say you were
4	(All defendants object)	4 working in shop 17?
5	MR. ORTIZ: Move to strike	5 A. I was getting married so I was
6	non-responsive portions.	6 working all overtime.
7	Q. Do you recall what the interior	7 Q. So, you were working both your
8	of shop 17 looked like?	8 regular time and overtime during that
9	A. Yeah. It had big tables like	9 period?
10	this (indicating), had two guys working	10 A. Oh, yeah, yeah.
11	on each table doing what they were doing,	11 Q. Did there come a point in time
12	you know, making bulkhead walls and stuff	12 when you were transferred to the USS
13	and they had -- I don't know if there was	13 Constellation?
14	a dozen of them.	14 (All defendants object)
15	Q. A dozen tables like the one	15 A. Yes, I was.
16	that's in this room?	16 Q. And --
17	A. A big, wide, open area.	17 A. Because it was smaller -- the
18	Q. Do you recall approximately how	18 Constellation was a big ship and there
19	many people would be working in shop 17	19 were other smaller ships, battle
20	at any given time?	20 cruisers, I don't know what the heck they
21	A. Oh, I don't know, I didn't count	21 called them, I'm not a navy man.
22	them.	22 Q. When you worked at the navy
23	Q. Was it big enough to hold 25	23 yards, you were a civilian employee,
24	people?	24 correct?
25	A. Oh, yeah, yeah.	25 A. Yeah.

7 (Pages 325 - 328)

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1 Q. Do you recall on Tuesday when 2 Andrew was asking you about your time on 3 the USS Constellation, he referred to a 4 fire that happened on the ship; do you 5 remember that? 6 (All defendants object) 7 A. Oh, yeah, I was very aware of 8 the fire. 9 Q. Did you start -- 10 A. In fact, it was still smoking, 11 the fire. 12 Q. Right, I remember you said that 13 on Tuesday. Did you start working on the 14 Constellation before the fire or after 15 the fire? 16 A. After the fire. 17 Q. After the fire, okay. 18 A. The decks on the Constellation 19 which were tremendous size, couple of 20 ball fields, they were all twisted and 21 warped and they were 5 inch steel, solid 22 steel. 23 Q. On the deck of the 24 Constellation? 25 A. Yeah. Cut them out and take	1 trades working. 2 Q. Do you recall -- 3 A. Plumbers and electricians, 4 welders, sheet metal workers, all kinds 5 of trades. Any kind of trades you can 6 think of was practically there. 7 Q. Do you recall what these 8 tradesmen were working on? 9 (All defendants object) 10 A. Some guys were working on 11 installing bathrooms, bulkhead walls and 12 that was it. Actually everything, they 13 were building the ship inside. 14 Q. Were they rebuilding what had 15 been destroyed by the fire? 16 (All defendants object) 17 A. What they could they would cut 18 out, some of those 5 inch plates of steel 19 or the -- not the plates of steel but the 20 duct work that put them in the air 21 conditioner and breathing the air and 22 completely burnt, gone, disintegrated. 23 Q. And as part of your duties on 24 the USS Constellation, do you recall what 25 areas of the ship you were in?
Page 330	Page 332
1 them out, tremendous job. 2 Q. Do you recall for approximately 3 how long you worked on the USS 4 Constellation for? 5 A. I would say probably a year. 6 Q. Of the time you were in the navy 7 yards, about a year was on the 8 Constellation? 9 (All defendants object) 10 A. Yeah. But I was at the navy 11 yards longer than that. 12 Q. Correct. No, I know what. I'm 13 just talking about the period of time you 14 were on the Constellation itself. 15 A. About a year. 16 Q. And during your time on the 17 Constellation, do you recall working 18 around other tradesmen besides sheet 19 metal workers? 20 (All defendants object) 21 A. Yeah. 22 Q. Do you recall what other trades 23 you worked around? 24 (All defendants object) 25 A. Yeah, there was all kinds of	1 (All defendants object) 2 A. On the Constellation? 3 Q. Yes. 4 A. I got lost two or three times on 5 the Constellation, a couple of hours each 6 time because it was 3,000 compartments 7 and so I was pretty much all over the 8 ship. I was down in the boiler room and 9 plus all the jobs I was doing on the 10 ships, on the ship was pretty much all 11 over the boiler room -- all over the 12 ship. 13 Q. You just mentioned that you 14 recalled being in the boiler room, do you 15 remember what tradesmen would have been 16 working in the boiler room at the same 17 time you were there? 18 (All defendants object) 19 Q. You can answer the question. 20 A. Pipe latherers and stuff putting 21 in, putting in the pipes and for the 22 boilers and all of that and the lath, 23 when they mixed up lath. 24 Q. Do you recall seeing these men 25 do that?

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Page 333	Page 335
1 A. Oh, yeah.	1 A. Yeah. Boiler room is big.
2 Q. As part of the work that they	2 Q. You recall the boiler?
3 were doing, did you happen to notice	3 A. Yeah.
4 what the air looked like in the boiler	4 Q. And do you recall seeing
5 room?	5 tradesmen working on the boiler and the
6 (All defendants object)	6 pumps you just mentioned?
7 A. Well, there was -- it wasn't	7 (All defendants object to form)
8 like outside, that's for sure.	8 A. Yeah.
9 Q. What do you mean by that?	9 Q. Do you recall what type of work
10 (All defendants object)	10 they'd be doing?
11 A. Dust, there's stuff in the air.	11 (All defendants object)
12 Q. There's dust?	12 A. I don't know, attaching pipes
13 A. Yeah.	13 and the lath, I don't know. The
14 Q. Did you see that dust?	14 mechanics covered the new pipes with the
15 (All defendants object)	15 lath.
16 A. Yeah.	16 Q. But you just recall them doing
17 Q. Did you breathe that dust?	17 the work?
18 (All defendants object)	18 A. Yeah.
19 A. Yeah.	19 MR. ORTIZ: Can I get a read back
20 Q. Do you believe that dust exposed	20 of the last answer, please?
21 you to asbestos?	21 (Whereupon, at this time, the
22 (All defendants object)	22 requested portion was read back by the
23 A. I don't know, I guess it was.	23 reporter)
24 Q. While you were in the boiler	24 Q. Do you recall when these
25 room, do you recall any individuals	25 individuals were doing the work you just

Page 334	Page 336
1 working on any pumps?	1 mentioned, what the air looked like?
2 (All defendants object to form)	2 (All defendants object)
3 A. Yeah.	3 A. Yeah. It was pretty -- it was
4 (All defendants object to form)	4 dusty and mostly dusty in the shop.
5 MR. CURTIS: What was his answer?	5 Q. So, it was dustier than in the
6 (Whereupon, at this time, the	6 shop?
7 requested portion was read back by the	7 A. Yeah.
8 reporter)	8 (All defendants object)
9 Q. Do you recall what pieces of	9 A. They were doing a lot of filing
10 equipment you would have seen in the	10 and grinding.
11 boiler room?	11 MR. ORTIZ: Move to strike the
12 (All defendants object)	12 non-responsive portions.
13 A. That would be pumps in the	13 Q. Did there ever come a point in
14 boiler room.	14 time when you were in the engine room of
15 Q. Any other pieces of equipment	15 the Constellation?
16 you remember?	16 (All defendants object, leading)
17 MR. ORTIZ: Can I get a read back,	17 A. Yeah. Even when I was lost.
18 please?	18 Q. When you were lost; do you
19 (Whereupon, at this time, the	19 remember that?
20 requested portion was read back by the	20 (All defendants object)
21 reporter)	21 A. Yeah.
22 Q. Do you recall any other	22 Q. What do you remember about being
23 equipment you would have seen in the	23 in the engine room?
24 boiler room other than the pumps you	24 (All defendants object)
25 mentioned?	25 A. How big it was, the engine room.

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1 Q. Do you recall seeing men working
 2 in the engine room?
 3 (All defendants object, leading)
 4 A. Yeah. There was a drive shaft
 5 on the Constellation, was humongous.
 6 Q. Do you recall seeing men work on
 7 the drive shaft you just mentioned?
 8 (All defendants object to form)
 9 A. Like the whole ship, the drive
 10 shaft, it went from, like, forward to aft
 11 and it was a powerful looking pipe, like
 12 a pipe on there.
 13 Q. And you recall being around that
 14 drive shaft?
 15 A. Yeah.
 16 (All defendants object)
 17 A. Everybody would walk by it.
 18 Q. Do you recall any other areas of
 19 the ship you would have been on?
 20 (All defendants object)
 21 A. Well, sometimes what they would
 22 do is assign me -- after I got a little
 23 established there, I had a couple of
 24 helpers, two or three helpers and they
 25 assign me a room where they had their own

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1 you.
 2 Q. And I believe you testified on
 3 Tuesday that some of the work that you
 4 did in addition to the sheet metal work
 5 involved sheetrock; is that correct?
 6 A. Yeah.
 7 Q. Do you recall what area of the
 8 ship you were doing the sheetrock work?
 9 (All defendants object)
 10 A. I think in the beginning I
 11 started, that's when I started, about
 12 mid-ship.
 13 Q. And do you recall what your
 14 hours of work were while you worked on
 15 the Constellation?
 16 A. Pretty varied because they
 17 wanted the ship done fast. Anybody
 18 wanted to work overtime and I worked
 19 overtime all the time.
 20 Q. So, you were working, would it
 21 be fair to say you were working five days
 22 a week?
 23 (All defendants object)
 24 A. Oh, yeah, it would be fair. To
 25 work I did that, like, 60 hours a week.

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1 drafted out and then they put, all got
 2 put in the bulkhead walls here, here and
 3 that was a job with the helpers.
 4 Q. So, you'd be doing that work
 5 with helpers that you were assigned?
 6 A. Yeah.
 7 (All defendants object)
 8 Q. And while you were doing the
 9 work with these helpers, were there other
 10 tradesmen working around you?
 11 (All defendants object)
 12 A. Sure.
 13 Q. Do you recall what other
 14 tradesmen would be working around you
 15 while you were doing this specific work?
 16 (All defendants object)
 17 A. Well, they had all kinds of
 18 running electrical wire for
 19 communications within the ship and there
 20 was a lot of trades stepping on top of
 21 each other and having arguments who had
 22 the right.
 23 Q. And you remember having those
 24 arguments?
 25 A. Yeah. I had more priority than

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1 Q. You were working about 60 hours
 2 a week?
 3 A. Yeah.
 4 Q. And if you had the opportunity
 5 for overtime, you said you took the
 6 overtime?
 7 (All defendants object)
 8 A. Overtime, yeah.
 9 Q. And I recall on Tuesday you
 10 testified that you helped some of the
 11 plumbers do work on insulation on the
 12 Constellation; is that correct?
 13 (All defendants object)
 14 Q. You helped plumbers?
 15 A. Yeah, I helped them.
 16 Q. And --
 17 A. They would help me too, we were
 18 pretty friendly.
 19 Q. You guys worked together?
 20 A. Yeah.
 21 Q. The guys on the ship worked
 22 together?
 23 (All defendants object to form)
 24 A. Oh, yeah.
 25 Q. When you worked on the

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<p style="text-align: right;">Page 341</p> <p>1 Constellation, were you given breaks 2 throughout the day? 3 A. Yeah. Coffee breaks and you get 4 one in the morning and one in the 5 afternoon. 6 Q. What would you do when you were 7 on your breaks when you were working on 8 the Constellation? 9 A. Go to sleep. 10 Q. Where would you sleep? 11 A. Anywhere. We used to sleep on 12 the insulation I remember until we all 13 started getting very itchy. 14 Q. You slept on the insulation of 15 the ship? 16 A. Summertime it was very hot. 17 Q. This was inside the ship, 18 correct? 19 A. Insulation, no, we went outside. 20 If it was bottled up on the deck 21 materials because that's where they 22 stored the insulation. 23 Q. On the top of the deck? 24 A. On one deck, didn't have to be 25 the top.</p>	<p style="text-align: right;">Page 343</p> <p>1 (All defendants object) 2 A. Yeah. 3 Q. And do you recall the names of 4 any of the other ships you worked on? 5 A. Yeah -- no, I don't recall. 6 They were small, they were destroyers and 7 they were smaller than the Constellation. 8 Q. The Constellation was the 9 largest ship you worked on? 10 A. Yeah. 11 Q. Do you recall how many other 12 ships you did work on? 13 A. No. I know it was a few 14 destroyers. 15 Q. And what type of work did you do 16 on these ships? 17 A. Well, what they were doing was 18 take everything from the main deck up on 19 the top and taking all of that off 20 because it was steel, it was too top 21 heavy. And they'd take that off and then 22 put down combing, metal combing to the 23 deck, bring it and then when they built 24 the new bulkhead, which we did, they put 25 rubber in between the steel and the</p>
<p style="text-align: right;">Page 342</p> <p>1 Q. And you recall laying on the 2 insulation? 3 A. Oh, yeah. I only got itchy 4 once. 5 Q. Approximately how many times, if 6 you can recall, would you lay on the 7 insulation? 8 A. If it was nice and clean, I 9 would just lay -- but I seen them take 10 away a guy to the hospital because he got 11 so itchy. He was working so hard and got 12 sweaty and they just throw down the 13 insulation. 14 Q. What was the working environment 15 on the Constellation like, you just said 16 people were sweaty, do you recall what it 17 was like in there? 18 (All defendants object) 19 A. They did everything in there, 20 you know, they did welding and they 21 installed everything, toilets, 22 everything. 23 Q. And did there come a point in 24 time when you worked on any other ships 25 in the Brooklyn Navy Yard?</p>	<p style="text-align: right;">Page 344</p> <p>1 metal, the metal combing. 2 Q. And this was on the destroyers 3 that you did the work on? 4 A. Destroyer, yeah. Probably they 5 -- always put rubber in between the 6 steel, chemical reaction, it would rot 7 out in maybe a year or two. 8 Q. When you were doing that type of 9 work on these other ships, were there 10 other tradesmen working around you? 11 (All defendants object) 12 A. Uh-huh. 13 Q. Do you recall what other 14 tradesmen would have been working around 15 you? 16 A. Same thing, welders -- sometimes 17 it had to get so crowded, you had to get 18 out of the way of the plumbers, out of 19 the way of plumbers. You worked there 20 for two hours and we'll come back, it 21 just got too crowded. 22 Q. Do you recall seeing these 23 workers do any work with insulation? 24 MR. CURTIS: Leading. 25 A. Yeah. The straight insulation,</p>

11 (Pages 341 - 344)

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1 it was all prefabricated and then when it 2 came to the elbows, they used to put on 3 the straightest right up to the elbow and 4 then they mix up their own, their own 5 insulation and put it on by hand.	1 What do you recall doing with 2 the sheetrock? 3 A. Putting it up on the beams, I 4 think we used to rivet it on, top rivets, 5 put it up there.
6 Q. Did you help them with this or 7 just watch them do it?	6 Q. But you don't remember the name 7 of the manufacturer of the sheetrock you 8 used?
8 A. No, I watched them do it.	9 A. No.
9 Q. Watched them do it?	10 Q. Do you recall for approximately 11 how long you worked on these other ships?
10 A. Too sloppy.	12 A. Probably a year and a half.
11 MR. CURTIS: Form.	13 Q. So, you were on --
12 A. It took a little talent to do it 13 nice and neat.	14 A. I switched around from the 15 Constellation to the other ships.
14 Q. When you were watching them do 15 this, did you notice anything about the 16 air around where they were doing this 17 work?	16 Q. And how long did you say you 17 remembered being on the Constellation 18 for?
18 (All defendants object to form)	19 (All defendants object to form)
19 A. When they first put it on, might 20 get a little dusty.	20 A. I think it's three years -- or 21 one year, one year -- I'm not sure. It 22 might have been three, I don't know.
21 Q. Do you recall seeing that dust?	23 Q. During the period of time you 24 worked at the navy yard, did you work on 25 any other ships or in any other places
22 A. Yeah, I was watching, I could 23 see, next day they would smooth it down. 24 Some of them used wet rags, some used 25 sandpaper, sandpaper created dust.	
1 Q. And you saw the dust be created?	1 other than what you've already told us 2 here?
2 A. Oh, yeah.	3 (All defendants object)
3 Q. And were you close enough to 4 breathe in this dust?	4 A. No. The only thing I think when 5 I was working on the Constellation and 6 the cruise ships where they were changing 7 the top, they only used me to put in the 8 bathrooms and stuff as a filler because 9 they wanted me to be busy up there.
5 A. Yeah, very easy.	10 Q. Are there any other ships or any 11 other ships or any other places at the 12 navy yard that you remember working at 13 during the period of time you were at the 14 Brooklyn Navy Yard?
6 Q. And do you believe this dust 7 exposed you to asbestos?	15 (All defendants object)
8 A. Yeah, I guess it did.	16 A. No.
9 Q. Did you do any sheetrock work on 10 these destroyers?	17 Q. And did there come a point in 18 time where you stopped working at the 19 navy yard?
11 (All defendants object)	20 A. Yeah.
12 A. I'm sure I did. I think I put 13 in four bathrooms in the destroyers. I 14 was putting in all the appliances, soap 15 trays, you know, stuff on -- the 16 convenience items.	21 Q. Do you remember when that was?
17 Q. But do you recall working with 18 sheetrock?	22 A. Definitely stopped.
19 (All defendants object)	23 Q. Yes. Did you stop working there 24 before you went to the fire department?
20 A. Yeah.	25 A. Oh, yeah, that's why I stopped.
21 Q. Do you recall the name of the 22 sheetrock you would have used?	
23 A. Georgia-Pacific, is that a 24 sheetrock?	
25 Q. I don't know, sir.	

12 (Pages 345 - 348)

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<p>1 Q. That's why you stopped?</p> <p>2 A. Yeah.</p> <p>3 Q. So, you went from working at the</p> <p>4 navy yard to the FDNY; is that correct?</p> <p>5 (All defendants object)</p> <p>6 A. Yeah.</p> <p>7 Q. So, you would have been out of</p> <p>8 the navy yards from approximately 1959,</p> <p>9 1960 to about 1962; is that correct?</p> <p>10 A. Yeah. That's what the fire</p> <p>11 department was about.</p> <p>12 (All defendants object)</p> <p>13 Q. And when you started --</p> <p>14 A. Took a hell of a cut in pay too,</p> <p>15 the fire department, down to one third.</p> <p>16 Q. Took a one third cut in pay?</p> <p>17 A. Yeah.</p> <p>18 Q. When you --</p> <p>19 A. Because they had more benefits</p> <p>20 in the fire department, so that's why I</p> <p>21 did it.</p> <p>22 Q. When you went to the fire</p> <p>23 department, I believe you testified you</p> <p>24 were assigned to Engine 202 in Red Hook;</p> <p>25 is that correct?</p>	<p>1 to, you know, be in the boiler room of</p> <p>2 Engine 202?</p> <p>3 (All defendants object to form)</p> <p>4 A. Yeah.</p> <p>5 Q. Did you ever do any work on the</p> <p>6 boiler there?</p> <p>7 A. Yeah. It was a mess, the boiler</p> <p>8 room, had to be keep cleaning it out.</p> <p>9 Q. Was that part of your duties as</p> <p>10 a firefighter?</p> <p>11 A. No, but it was a problem.</p> <p>12 Q. And at some point I believe you</p> <p>13 testified after you started in the fire</p> <p>14 department is when you began your side</p> <p>15 business; is that correct?</p> <p>16 A. When I what?</p> <p>17 Q. At some point after you started</p> <p>18 in the fire department, --</p> <p>19 A. Yes.</p> <p>20 Q. -- you started a side business;</p> <p>21 is that correct?</p> <p>22 A. Yeah.</p> <p>23 Q. Do you recall what year you</p> <p>24 started that side business?</p> <p>25 A. No, no, I don't know. I just, I</p>
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<p>1 A. Correct.</p> <p>2 Q. And is that the only location</p> <p>3 that you were assigned during your time</p> <p>4 at the fire department?</p> <p>5 A. Yes. I worked -- we relocated</p> <p>6 to other firehouses maybe just for</p> <p>7 overnight or two nights.</p> <p>8 Q. Right, right. Aside from like a</p> <p>9 special assignment, you were assigned to</p> <p>10 202?</p> <p>11 A. Like that.</p> <p>12 Q. So, you were there for the</p> <p>13 entirety of your career as a firefighter?</p> <p>14 A. Yeah. It was right by the</p> <p>15 Brooklyn Battery Tunnel.</p> <p>16 Q. And Engine 202; is that correct,</p> <p>17 am I saying that correctly?</p> <p>18 A. Yeah.</p> <p>19 Q. Do you recall how Engine 202 was</p> <p>20 heated by chance?</p> <p>21 A. No. How was it what?</p> <p>22 Q. How the building was heated?</p> <p>23 A. I think it was oil heat I</p> <p>24 believe.</p> <p>25 Q. Did you ever have any occasion</p>	<p>1 started off very light with my two sons</p> <p>2 and my daughter because the customers</p> <p>3 liked to see -- found out they were my</p> <p>4 family and plus they did very nice work.</p> <p>5 They liked watching the long redheaded</p> <p>6 girl.</p> <p>7 Q. Your daughter you're referring</p> <p>8 to, right?</p> <p>9 A. Yeah.</p> <p>10 Q. I believe when you testified on</p> <p>11 Tuesday and Wednesday, you mentioned that</p> <p>12 you did both interior and exterior work</p> <p>13 as part of your side business; is that</p> <p>14 correct?</p> <p>15 (All defendants object)</p> <p>16 A. Yeah.</p> <p>17 Q. And if I recall correctly, I</p> <p>18 believe you said you worked about 20</p> <p>19 hours a week doing that side business?</p> <p>20 (All defendants object)</p> <p>21 A. Yeah. I had a career with the</p> <p>22 fire department to keep it legitimate, I</p> <p>23 only worked so many hours.</p> <p>24 Q. So, you would keep the fire</p> <p>25 department appraised of your side</p>

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<p>1 business?</p> <p>2 A. Yeah.</p> <p>3 Q. Okay.</p> <p>4 A. And then after a while I --</p> <p>5 Q. You were able to balance both.</p> <p>6 A. Yeah.</p> <p>7 (All defendants object)</p> <p>8 Q. As part of the interior work you did, did you ever do any work with sheetrock?</p> <p>11 A. Yeah, sure.</p> <p>12 Q. What kind of work did you do with sheetrock?</p> <p>14 A. Sheetrock is a drywall and everything else.</p> <p>16 Q. And what kind of work would you do?</p> <p>18 A. Putting up all the walls and I tape it, sand it or wipe it down smooth. A lot of times I could use sandpaper on that.</p> <p>22 Q. Do you recall what products you used with the sheetrock when you were doing this taping work?</p> <p>25 (All defendants object)</p>	<p>Page 353</p> <p>1 compound?</p> <p>2 A. Yeah.</p> <p>3 Q. Do you recall what it came in, like how it was packaged?</p> <p>5 A. It came in a 5 gallon bucket, tin buckets.</p> <p>7 Q. And you used that during your time in Fred Brown Painting?</p> <p>9 A. Yeah. When I got, like, four or five guys, I used quite a lot of it.</p> <p>11 Q. And you mentioned that the air looked sloppy, can you describe what you meant by that?</p> <p>14 A. After it's dry you can't sand it, the joint compound. And even the sheetrock, when you're putting the joint compound in, you got to wait overnight, sometimes before you could sand it because it's too soft.</p> <p>20 Q. And after it hardened what would you do?</p> <p>22 A. Well, after you -- then when you sanded it, it was all full of dust, then you sand it, then you brush it down and then sweep it up.</p>
<p>Page 354</p> <p>1 A. Yeah, I used spackle.</p> <p>2 Q. Anything else?</p> <p>3 A. I said I used the tape, taping, the tape all over and then another layer of spackle, then sand it all down.</p> <p>6 Q. Do you recall what the air looked like while you were doing this sanding work?</p> <p>9 (All defendants object)</p> <p>10 A. The air got a little sloppy from sanding down the -- I don't know what you call it, joint compound.</p> <p>13 Q. Did you say joint compound?</p> <p>14 A. Yeah.</p> <p>15 (All defendants object)</p> <p>16 MS. MACSTEEL: Can I get a read back, please?</p> <p>18 (Whereupon, at this time, the requested portion was read back by the reporter)</p> <p>21 Q. Do you recall the name of the joint compound you would have used?</p> <p>23 (All defendants object)</p> <p>24 A. Georgia-Pacific.</p> <p>25 Q. You recall Georgia-Pacific joint</p>	<p>Page 354</p> <p>1 Q. And did you see that dust?</p> <p>2 A. Yeah, I did it.</p> <p>3 Q. You did that.</p> <p>4 A. Yeah.</p> <p>5 Q. Did you breathe that dust?</p> <p>6 A. Yeah.</p> <p>7 (All defendants object)</p> <p>8 Q. Do you believe that dust exposed you to asbestos?</p> <p>10 (All defendants object)</p> <p>11 A. You'd be all white.</p> <p>12 Q. When you were doing this work, did you ever wear a mask?</p> <p>14 A. I don't think so.</p> <p>15 Q. Do you recall seeing any warnings on the --</p> <p>17 A. Too much, I didn't wear a mask.</p> <p>18 Q. Do you recall seeing any warnings on the Georgia-Pacific tin bucket?</p> <p>21 (All defendants object)</p> <p>22 A. Might have been but I didn't pay any attention to it.</p> <p>24 Q. Can you say for sure whether you saw a warning or not?</p>

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1 (All defendants object)	1 Q. And anything else?
2 A. I don't know if there was -- on	2 A. Well, I did some renovation
3 the tin cans maybe there was a warning	3 work, especially with roofing work, it
4 but I believe they changed the tin cans	4 involved you got to put a new beam or
5 to plastic.	5 something, you just can't put a little --
6 Q. Do you remember when they	6 a lot of rooms were rotten, so you have
7 changed from tin cans to plastic?	7 to take that out and when you take that
8 A. No, no.	8 out, 2 x 6 beams, 2 x 8 beams were also
9 Q. But do you specifically recall	9 rotted, you had to replace that beam.
10 seeing a warning on the tin can?	10 Q. And you did this work during the
11 (All defendants object)	11 period of time you worked as a
12 A. Yeah, on the tin can, yeah,	12 firefighter, correct?
13 yeah.	13 A. Yeah.
14 Q. Do you remember what it said?	14 Q. Do you recall what year you
15 A. No. I could see the warning on	15 stopped doing this type of work?
16 a cigarette pack, it's like a warning on	16 A. I don't know, I stopped -- I
17 a cigarette pack.	17 don't know exactly when I stopped roofing
18 Q. Do you recall seeing that?	18 but I got -- those rolls were 90 pounds a
19 A. No. The attorney general on the	19 roll, carry them up a 35 foot ladder.
20 cigarette pack, smoking may be hazardous	20 Q. If you recall you testified that
21 to your health.	21 you stopped working, the fire department,
22 Q. Do you remember seeing a warning	22 you retired in 1989, were you still doing
23 like that on the joint compound bucket?	23 this work after 1989?
24 A. I don't know if I did or not.	24 A. I might have done small, little
25 (All defendants object)	25 jobs, like a garage or something.
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1 A. Nobody paid attention to it, it	1 Q. So, the bulk of the Fred Brown
2 was not on every can. We thought it was,	2 Painting business occurred during the
3 like, just required for the law, the law	3 years you were a firefighter; is that
4 required it.	4 correct?
5 MS. MACSTEEL: Can I get a read	5 A. Yeah.
6 back?	6 Q. Do you recall yesterday you
7 (Whereupon, at this time, the	7 testified about some cars that you owned;
8 requested portion was read back by the	8 do you remember that?
9 reporter)	9 A. Yeah.
10 Q. Other than the sheetrock work	10 Q. And you testified to doing I
11 you just mentioned with the joint	11 believe approximately 30 brake jobs on a
12 compound, was there any other work that	12 Ford van; do you remember that?
13 you would have done as part of Fred Brown	13 A. Yeah. That was the one I used
14 Painting that you haven't already	14 for all the work on the roofing.
15 discussed?	15 Q. For the Fred Brown Painting
16 (All defendants object)	16 business, correct?
17 A. Oh, I don't think so.	17 A. Yeah. I did clutches and
18 Q. You did roofing work you	18 brakes, they didn't last much time.
19 testified to, right?	19 Q. Do you recall the manufacturer
20 (All defendants object)	20 of the clutch you would have used?
21 A. Yeah.	21 MR. WARSHAUER: Objection.
22 Q. And you did painting work?	22 Q. Take your time.
23 A. Yes.	23 A. Do I recall what?
24 Q. And this drywall work?	24 Q. The manufacturer of the clutch
25 A. Yeah.	25 you would have replaced.

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1 MR. WARSHAUER: Objection to form.	1 Q. But you think you probably did
2 A. I think the clutch was Borg	2 about twelve; is that correct?
3 Warner.	3 A. I'm assuming --
4 Q. Borg Warner?	4 MR. WARSHAUER: Objection to form,
5 A. Yeah.	5 mischaracterizes testimony.
6 MR. WARSHAUER: Objection to form.	6 A. I'm assuming over a twelve year
7 Q. Do you recall approximately how	7 period that I owned it.
8 many clutch jobs you would have done on	8 Q. You also mentioned a two door
9 that van?	9 Buick that you owned --
10 A. I don't know, maybe we used to	10 A. Yeah.
11 put them out quite a lot on the van, I	11 Q. -- yesterday, do you recall any
12 pushed that truck.	12 brake work you would have done on the two
13 Q. Do you recall how long you owned	13 door Buick?
14 the van for?	14 A. Oh, those were just social cars,
15 A. Twelve years, I replaced three	15 you know, I didn't...
16 motors.	16 Q. So, you didn't do any brake work
17 Q. Three motors?	17 on the two door Buick?
18 A. Yeah.	18 A. I might have did one job or
19 Q. Do you recall if you --	19 something, I didn't beat them up that
20 MR. FINLEY: Withdrawn.	20 much.
21 Q. If you recall three motor	21 Q. I know you testified about a
22 replacements, do you recall how many	22 four door Buick that you owned, do you
23 clutch replacements you would have done?	23 recall doing any brake work on the four
24 A. I don't know. The clutch, I	24 door Buick?
25 don't know, maybe in twelve years, maybe	25 A. No, but I had that for quite a
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1 about ten.	1 while too.
2 Q. About ten clutch jobs over the	2 Q. But do you recall doing any
3 twelve years?	3 brake jobs on the four door Buick?
4 A. But a lot more -- well, I don't	4 A. Yeah, probably a couple. Brake
5 know if there was more brakes or	5 jobs were very easy, much easier than a
6 clutches. I had different fellows	6 clutch.
7 driving the van, standard shift, some	7 Q. Do you recall what brand of
8 guys don't know how to drive standard.	8 brake you would have used on the four
9 Q. Do you recall the process by	9 door Buick?
10 which you would have changed the clutch	10 A. Bendix.
11 in the van, what you would have done?	11 Q. Do you recall approximately how
12 A. Little bits and pieces on a	12 many brake jobs you may have done on the
13 clutch.	13 four door Buick?
14 Q. To the best of your	14 A. Didn't you just ask me that
15 recollection, how would you go about	15 question?
16 changing the clutch in the van?	16 Q. No. On the four door Buick you
17 A. I think most of my work was on	17 testified that you recalled doing Bendix
18 the brakes.	18 or replacing the brakes on the four door
19 Q. Right. And then you testified	19 Buick with Bendix brakes, do you recall
20 to the brake work yesterday but with	20 approximately how many times you would
21 regards to the clutch work, do you recall	21 have done that?
22 what you would have done in order to	22 A. You're asking me two similar
23 change the clutch on the van?	23 questions.
24 A. Not offhand, I'm drawing a blank	24 Q. I'll rephrase the question. You
25 there.	25 owned a four door Buick, correct?

16 (Pages 361 - 364)

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Page 365	Page 367
1 A. Yeah.	1 carburetor apart, you got to give it to a
2 Q. Do you recall doing brake jobs	2 regular mechanic, it's so complicated.
3 on the four door Buick?	3 Q. But you did this work yourself?
4 A. Yeah. That was basically a	4 A. Yeah, yeah.
5 family car.	5 Q. And the Ford, the 1941 Ford you
6 Q. And you testified that you	6 purchased, again you purchased that used,
7 remembered using Bendix brakes when you	7 correct?
8 did those brakes jobs, --	8 A. Yeah.
9 A. Yeah.	9 Q. So, do you recall the
10 Q. -- correct?	10 manufacturer of the brakes you would have
11 Do you recall how many times you	11 removed from the Ford the first time you
12 did brake jobs on the four door Buick?	12 had to change the brakes?
13 Just the four door Buick.	13 A. I don't know the first, what it
14 A. Oh, four times that was.	14 was, I just took it out and bought new
15 Q. Approximately four times on the	15 brakes, brake pads and everything for it.
16 four door Buick?	16 Q. The new brakes you put on would
17 A. Yeah.	17 have been Bendix, correct?
18 Q. And you recall using Bendix	18 A. Yeah.
19 brakes for those jobs, correct?	19 Q. And did you do additional jobs
20 A. Yeah.	20 on that 1941 Ford?
21 Q. Do you remember testifying about	21 A. Yeah, yeah.
22 the 1941 Ford yesterday?	22 Q. And you used Bendix for those
23 A. Yeah.	23 jobs too, correct?
24 Q. Do you recall --	24 A. Yeah. I had the '41 Ford about
25 A. I had that car.	25 six or seven years.
Page 366	Page 368
1 Q. Did you do any brake jobs on the	1 Q. So, you wouldn't know the name
2 1941 Ford?	2 of the manufacturer of the brakes
3 A. Yeah, on that car.	3 initially but subsequently it was Bendix,
4 Q. And I believe you testified that	4 correct?
5 you bought that car for \$50; is that	5 A. On that, yeah.
6 correct?	6 Q. Do you recall being diagnosed
7 A. Yeah.	7 with lung cancer?
8 Q. That's a pretty good deal.	8 A. Yeah. When I went -- I found
9 A. Had no windshield.	9 out, I found out like a flu, I didn't
10 Q. When you bought it had no	10 expect it.
11 windshield?	11 Q. Do you remember when that was?
12 A. Yeah.	12 A. It was probably about two years
13 Q. Do you recall --	13 ago, three years ago.
14 A. I wasn't the richest of kids.	14 Q. That you were diagnosed with
15 Q. I understand that.	15 lung cancer?
16 Do you recall doing brake jobs	16 A. Yeah.
17 on that 1941 Ford?	17 Q. Do you recall going to the
18 A. Oh, yeah.	18 doctor in 2017?
19 Q. Do you remember what type of	19 (All defendants object)
20 brake you would have used when you did	20 A. For lung cancer?
21 the brake jobs on the 1941 Ford?	21 Q. Yes.
22 A. Bendix.	22 A. No -- yeah, yeah -- no, I don't
23 Q. When you --	23 know. My short-term memory --
24 A. There were simpler brake jobs,	24 Q. No, I understand that, sir.
25 there wasn't as many -- say you take a	25 As part of your lung cancer

17 (Pages 365 - 368)

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1 diagnosis, did you have surgery?	1 Q. Approximately how many nieces
2 A. Yes.	2 and nephews do you have?
3 Q. Do you remember when that	3 A. It's another week for my family
4 surgery was?	4 tree.
5 A. That was only about...	5 Q. More than one?
6 Q. Was that done recently?	6 A. Yeah, I got nephews, two nephews
7 A. Yeah, within the year.	7 and that's about it.
8 Q. Do you recall how long after you	8 Q. Two nephews, okay. Do they have
9 were diagnosed with lung cancer that you	9 any children?
10 had the surgery?	10 A. Yeah.
11 (All defendants object)	11 Q. Do you know about how many?
12 A. I had -- they took out a piece	12 A. They have about -- one nephew
13 of pie slice.	13 has two and the other nephew single.
14 Q. Do you remember when that	14 Q. About how often do you see your
15 surgery was?	15 nephews?
16 A. No, but I know it wasn't too	16 A. Over the holidays.
17 long ago.	17 Q. And you have two children still
18 Q. Do you remember how much time	18 alive today, correct?
19 passed between the diagnosis and the	19 A. Right.
20 surgery?	20 Q. And how often do you see your
21 (All defendants object)	21 children?
22 A. Not too much time, months I	22 A. Well, my son lives with me, my
23 would say. I don't know how many months,	23 daughter is about a mile away.
24 six months, eight months, I don't know.	24 Q. So, you see them fairly often?
25 Q. When the doctor gave you your	25 A. Yeah.
Page 370	Page 372
1 diagnosis, do you recall what he said to	1 Q. Did you tell them about your
2 you?	2 lung cancer diagnosis?
3 (All defendants object)	3 A. Oh, yeah, they know about it.
4 A. They were figuring it was	4 Q. How did they respond to that?
5 asbestos related.	5 A. Well, my daughter was in the
6 Q. You remember the doctor saying	6 hospital getting diverticulosis surgery.
7 that to you?	7 She got out, like, two days ago, three
8 (All defendants object)	8 days ago.
9 A. Yeah, right. Began with an "R,"	9 Q. But do you remember when you
10 R-E-something.	10 were given the diagnosis talking to your
11 MR. FINLEY: Off the record.	11 children about it?
12 (Discussion held off the record)	12 A. Oh, yeah.
13 Q. Do you recall how you felt when	13 Q. Do you remember how they felt,
14 you were given this diagnosis?	14 did they tell you how they felt when they
15 A. For what, the lung cancer?	15 heard about it?
16 Q. Yes.	16 A. No, not really because I had so
17 A. I felt fine.	17 many surgeries between my shoulders and
18 Q. Do you have any grandchildren?	18 my knee, my wrist and all, they don't
19 A. No.	19 want to hear any more about surgery.
20 Q. Do you have any nieces or	20 Q. And you're married, correct?
21 nephews?	21 A. Yes.
22 A. Yes.	22 Q. Do you recall when you got
23 Q. Do you have any grandnieces or	23 married?
24 nephews?	24 A. Yeah, sure. My wife would kill
25 A. No.	25 me if I don't. December 9th.

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1 Q. December 9th, do you remember 2 what year? 3 A. '61. 4 Q. Do you recall approximately how 5 long you were dating your wife before you 6 got married? 7 A. Oh, about seven years. 8 Q. So, you've known your wife for 9 the majority of your life then; is that 10 fair to say? 11 A. Yeah. Since I came out of the 12 service. 13 Q. Did you tell her about your lung 14 cancer diagnosis? 15 A. Oh, yeah. 16 Q. How does she feel about that? 17 A. Just get it done and we'll see. 18 Q. And I believe that you testified 19 that she's dependent on you; is that 20 correct? 21 A. Yeah. 22 Q. I just want to go back quick to 23 your time as a firefighter at the FDNY, 24 did you have any other duties aside from 25 just fighting fires?	1 MR. FINLEY: It's about 11:30, 2 let's take about ten minutes before we 3 continue, ten minute break. 4 (Whereupon, at 11:29 A.M., a short 5 recess was taken) 6 (Back on the record at 11:45 A.M.) 7 CROSS-EXAMINATION 8 BY MR. ORTIZ: 9 Q. Good morning, sir. My name is 10 Nick Ortiz, I'm going to have some 11 questions for you, okay? 12 A. Okay. 13 Q. Same rules apply and I don't 14 want you to guess at any answers. If you 15 do not know an answer to one of my 16 questions, let me know that, okay, sir? 17 A. Okay. 18 Q. And if you need to take a break 19 for any reason, as long as a question is 20 not pending, just let me know, you can 21 take as many breaks as you need, okay? 22 A. Fine. 23 Q. And if you would, please wait 24 until I complete the question before you 25 start your answer and I will wait until
Page 374	Page 376
1 A. Yeah. Well, as I got more 2 senior, I ended up driving the -- I drove 3 the rigs for about ten years. 4 Q. The fire trucks? 5 A. Yeah. The engines, the pumpers 6 and stuff. Not the ladder one but the 7 engine. 8 Q. The engine trucks? 9 A. Yeah. 10 Q. Did you have any other duties 11 aside from driving the trucks? 12 A. Well, then after a while some 13 battalions wanted me to come to their aid 14 and just be a personal driver for them 15 and that's what I did with them for a few 16 years. 17 MR. FINLEY: I think that's all 18 the questions I have for you. I'm going 19 to look over my notes but I believe 20 that's all the questions I have for you 21 right now. 22 THE WITNESS: That's enough. 23 MR. FINLEY: Thank you for your 24 time, sir. 25 THE WITNESS: Thank you.	1 you finish your answer before I ask the 2 next question so we're not speaking over 3 each other and the court reporter can 4 take down the questions and answers, 5 okay? 6 A. Okay. 7 Q. Sir, I first of all just want to 8 go back and fill in a couple -- so I'm 9 going to jump around, fill in a couple of 10 blanks here from some of your earlier 11 testimony. 12 Is it accurate, sir, does your 13 son Douglas smoke currently? 14 A. Yes. 15 Q. Is it accurate that as long as 16 your son Douglas has lived in your home, 17 he has smoked in the family home? 18 A. Yeah. Well, we kind of chopped 19 down on that because we gave up smoking, 20 we said it's not fair, we quit smoking, 21 so no more smoking in the house. 22 Q. But as of today Douglas still 23 smokes in the family home, correct? 24 A. Very rarely. He's not terrible 25 himself, he smokes, he smokes at night.

19 (Pages 373 - 376)

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1 Q. Up until the current date, does 2 Douglas still smoke in your presence? 3 A. Only when we're outside, yeah. 4 Q. How about when you're in the car 5 together? 6 A. No, he won't smoke in the car. 7 Q. When was it that you had that 8 discussion to try and have Douglas not 9 smoke as much in the family home, when 10 did that happen? 11 A. He doesn't smoke in the living 12 room, the kitchen, nobody does in the 13 house anymore now. 14 Q. When did that happen, sir? 15 A. Oh, I have to guess. 16 MR. FINLEY: Nobody wants you to 17 guess, if you can recall approximately. 18 A. Approximately about eight years 19 ago. 20 Q. I don't know if this was asked 21 of you but has your son Douglas lived 22 with you throughout his lifetime? 23 A. Yeah. 24 Q. Have you lived in the same home? 25 A. Yeah, unfortunately.	1 any asbestos-containing products or 2 materials during your lifetime? 3 A. No. 4 Q. For any of the doctors that are 5 treating you for your lung cancer, have 6 you told those doctors, have you been 7 truthful with those doctors with any 8 questions they've asked you? 9 A. Oh, yeah. 10 Q. Have any of those doctors asked 11 you about your smoking history? 12 MR. FINLEY: Objection. 13 A. I don't think so. They might 14 have asked just in passing, I don't know, 15 I don't know. 16 Q. As you sit here today, do you 17 remember telling any doctor that's 18 treating you for your lung cancer about 19 your smoking history and how much you 20 smoked and when you smoked? 21 MR. FINLEY: Objection. 22 A. Have doctors asked me that? 23 Q. What I'm asking is just a little 24 different question. Are the doctors that 25 are treating you for your lung cancer
1 MR. FINLEY: We won't tell him you 2 said that. 3 THE WITNESS: Can't kick him out. 4 Q. The doctors that currently treat 5 you for your cancer, sir, did any of the 6 doctors that treat you for your cancer 7 ask you what you did for a living? 8 A. Offhand I can't remember, I 9 don't know. 10 Q. Have you ever told any of the 11 doctors that are treating you for your 12 current condition about any of the 13 equipment or products that you worked 14 with or around in your career? 15 A. I didn't get that full question. 16 Q. Yes, sure. Have you told any of 17 the doctors that are treating you for 18 your current condition about any of the 19 equipment, products or materials that you 20 worked with or around in your working 21 career or did that topic never come up? 22 A. I don't think it ever came up. 23 Q. Did you ever tell any doctor 24 that's treating you for your current 25 condition that you worked with or around	1 condition, -- 2 A. Oh, I don't know. 3 Q. -- has the topic of your smoking 4 history even come up? 5 A. No, I don't think so. 6 Q. I believe you had surgery, one 7 of the surgeries was to -- did you have 8 arteries? 9 A. Yeah, carotid arteries. 10 Q. And I'm sorry if I missed this 11 but when did that happen? 12 A. You're forgiven. 13 Q. Thank you. When did that 14 happen, sir? 15 A. That happened I would say about 16 two years ago at least. 17 Q. Did any doctors tell you that 18 that condition that led to the surgery 19 for your carotid arteries had anything to 20 do with your smoking history? 21 MR. FINLEY: Objection. 22 A. No, no. 23 Q. Counsel had asked you questions 24 and I don't want to go back through this 25 but the times that you smoked and when

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<p style="text-align: right;">Page 381</p> <p>1 you ultimately stopped smoking, from the 2 time you started smoking cigarettes until 3 the time you ultimately stopped cold 4 turkey, did you ever attempt to stop 5 smoking in between that time period?</p> <p>6 A. No.</p> <p>7 Q. From the time that you started 8 smoking cigars until the time that you 9 ultimately stopped smoking cigars cold 10 turkey, did you make any attempts to stop 11 smoking in between that period?</p> <p>12 A. No.</p> <p>13 Q. And same question for your pipe 14 smoking: From the time you started 15 smoking the pipe until the time that you 16 stopped smoking the pipe, did you make 17 any attempts to stop smoking?</p> <p>18 A. No. I see that it wasn't, it 19 wasn't worth to smoke now. I'm still 20 coughing in the morning and everything, 21 that's when I decided okay, cut it all 22 out.</p> <p>23 Q. You were asked questions about 24 and you testified that you read warnings 25 on cigarette packages, I want to ask you</p>	<p style="text-align: right;">Page 383</p> <p>1 MR. FINLEY: Objection.</p> <p>2 A. I don't even know what it is.</p> <p>3 Q. Sir, during your time period 4 working for the fire department, you were 5 asked questions yesterday about what you 6 would do when you would fight fires. Is 7 it accurate to say that it would be a 8 regular occurrence during the time that 9 you fought fires that you would have to 10 break through walls?</p> <p>11 A. Yes. Oh, that was a truck 12 company, I was the engine and I was also 13 driving the engine. Other than that the 14 breaks were often but if I had a problem, 15 I'd go in there and help.</p> <p>16 Q. Is that something that would 17 happen in the regular course during the 18 time that you worked in the fire 19 department?</p> <p>20 A. Oh, yeah, yeah. I had one on 21 Atlantic Avenue, ended up being an 8 foot 22 thick wall and we finally broke through 23 it because we were using everybody and 24 that's when we lost three firemen.</p> <p>25 Q. And during the time periods that</p>
<p style="text-align: right;">Page 382</p> <p>1 is it accurate to say that before you 2 started smoking cigars, you knew that 3 smoking tobacco products could cause lung 4 cancer?</p> <p>5 MR. FINLEY: Objection.</p> <p>6 A. I think so though.</p> <p>7 Q. And same question --</p> <p>8 MR. ORTIZ: Well, strike that, 9 let's just move on.</p> <p>10 Q. Sir, for any of the homes you've 11 lived in, have any of those homes been 12 tested for radon?</p> <p>13 A. For what?</p> <p>14 Q. For radon.</p> <p>15 MR. FINLEY: Objection.</p> <p>16 A. What is radon?</p> <p>17 Q. Do you know what radon is?</p> <p>18 A. No.</p> <p>19 Q. So, have you had anyone test 20 your homes for the presence of radon in 21 the homes?</p> <p>22 A. No.</p> <p>23 Q. And you are not aware that any 24 of your homes were tested for radon, 25 that's accurate?</p>	<p style="text-align: right;">Page 384</p> <p>1 you would break through the walls, was it 2 your understanding that you were breaking 3 through insulation that was in the walls 4 as well?</p> <p>5 MR. FINLEY: Objection.</p> <p>6 A. Well, it was a dirty job.</p> <p>7 Q. Was it dirty because of the 8 insulation that you were breaking through 9 as well?</p> <p>10 A. It could have been dust, 11 insulation, deteriorated insulation or 12 could have been just deteriorated 13 concrete, mortar.</p> <p>14 Q. When you did break through 15 walls, did you notice insulation as you 16 were breaking through the walls?</p> <p>17 A. No, I didn't.</p> <p>18 Q. When you would break through the 19 walls, you testified that that was a 20 dusty process?</p> <p>21 A. Oh, yeah.</p> <p>22 Q. You could see dust in the air?</p> <p>23 A. Very obvious.</p> <p>24 Q. And I believe your testimony was 25 you were not wearing a mask during that</p>

21 (Pages 381 - 384)

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1 time period, correct?	1 A. Never really treated, I just
2 A. No. Too hard breathing, just	2 threw up, got rid of it. Took two
3 put up with the aggravation, do your job	3 minutes before we went back in and fought
4 and get out.	4 the fire.
5 Q. Rather than wear the mask,	5 Q. Is that something, sir, that
6 correct?	6 occurred during a regular course when you
7 A. Right.	7 fought fires?
8 Q. And did the mask we're talking	8 A. Not usually but if you just
9 about also include a respirator as well?	9 finished a big meal, that usually came
10 A. No. Just had a mask on that was	10 up.
11 coming from an air tank, had the air tank	11 Q. Was it regular and frequent when
12 on it.	12 you fought the fires that you would
13 Q. So, when you would break through	13 breathe in smoke?
14 these walls or you were present when	14 A. Oh, yeah.
15 others were breaking through the walls,	15 Q. Did that happen on each and
16 which happened, correct?	16 every occasion you fought the fires?
17 A. Yeah.	17 A. Many, many occasions.
18 Q. The dust that was created from	18 Q. And is it accurate to say that
19 the walls, did you breathe that dust in?	19 you fought hundreds of fires in your
20 A. Oh, yeah, I had to. Had no mask	20 career?
21 on.	21 A. Oh, yeah.
22 Q. And did that occur each and	22 Q. Did you fight thousands of fires
23 every time that you broke through the	23 in your career?
24 walls or others were breaking through the	24 A. No. My whole career was in Red
25 walls in your presence?	25 Hook when it first started burning down
Page 386	
1 A. Sometimes we'd have enough air	1 and then it all burned down. And now
2 in the tanks that we didn't need it.	2 it's all yuppie-yuppie land, it's all
3 Q. For the majority of these	3 built up beautiful.
4 occasions you were not wearing the --	4 Q. Okay, sir, I'm going to move to
5 using the respirator, the air tank,	5 your time period working for the Brooklyn
6 correct?	6 Navy Yard, okay, sir?
7 A. Right.	7 A. Okay.
8 Q. So, on those occasions that you	8 Q. All right, sir, you testified,
9 were not using the air tank or respirator	9 in fact today you testified that when you
10 and either you broke through the walls or	10 were assigned at the Brooklyn Navy Yard
11 someone broke through the walls in your	11 you were assigned to shop 17, --
12 presence, is it accurate to say that you	12 A. Right.
13 breathed in that dust that was created?	13 Q. -- correct? And you worked at
14 A. Oh, yeah.	14 shop 17 for a year and a half before you
15 Q. I know you testified yesterday,	15 were transferred, correct?
16 sir, that when you would fight these	16 A. Short staff.
17 fires, obviously there would be smoke	17 Q. Do you remember when in -- you
18 present, correct?	18 had the years 1959 and 1960 as a start
19 A. Yeah.	19 date, do you know when your start date
20 Q. And you were sick to your	20 was, what month?
21 stomach from breathing in the smoke?	21 A. Start date?
22 A. Yeah. Just from eating dinner.	22 Q. When did you start at the
23 Q. How many times in your career	23 Brooklyn Navy Yard, what month?
24 were you treated for smoke inhalation?	24 A. Oh, I don't know.
25 MR. FINLEY; Objection.	25 Q. You worked at the Brooklyn Navy

22 (Pages 385 - 388)

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1 Yard till somewhere around 1961, '62 time
 2 period, approximate dates, sir, correct?
 3 A. Yeah.
 4 Q. Do you know what month you ended
 5 at the Brooklyn Navy Yard?
 6 A. When I quit it for good?
 7 Q. Yes.
 8 A. I would say that would be in --
 9 '61 or '62 -- when did I get out of the
 10 fire department? I went right from one
 11 to the other.
 12 Q. Do you know what month you
 13 started at the fire department?
 14 A. 2/10 I think.
 15 Q. February 10th?
 16 A. Yeah. Because it was my wife's
 17 birthday.
 18 Q. You worked on some unknown
 19 destroyers for approximately a one year
 20 time period.
 21 A. Yeah.
 22 Q. You talked about the USS
 23 Constellation. Do you know, sir, if the
 24 Constellation was in the water or out of
 25 the water when you worked on the

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1 Constellation?
 2 A. In the water.
 3 Q. In the water?
 4 A. Just listing.
 5 Q. Sorry?
 6 A. Listing badly.
 7 Q. I just couldn't -- I didn't hear
 8 what you said, sir, I'm sorry.
 9 A. It was listing badly. I think
 10 the fire department nearly sank it, then
 11 it was in dry dock, had to pour so much
 12 water on it.
 13 Q. Given that you were in shop 17
 14 for a year and a half and you were on the
 15 destroyers for another year, would it be
 16 accurate that if you looked at the time
 17 you were on the Constellation since you
 18 were only at the Brooklyn Navy Yard for
 19 approximately one to two years, that you
 20 were only on the Constellation for a
 21 short period of time?
 22 MR. FINLEY: Objection.
 23 A. No. When I was on the --
 24 there's an overlapping in the year and a
 25 half and then the year when I was in shop

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1 17, and then another period there, that
 2 was the same time period.
 3 Q. Are you saying the overlapping
 4 time period?
 5 A. That period was over...
 6 Q. So, the times you were on the
 7 USS Constellation was not -- what's the
 8 word I'm looking for -- long durations
 9 just on the Constellation, you could be
 10 back and forth between the Constellation
 11 and shop 17, correct?
 12 A. Yeah, could, but they didn't put
 13 us back to shop 17, they put us on the
 14 smaller ships.
 15 Q. So, over the time period, over a
 16 one year time period you could be on the
 17 Constellation, correct?
 18 A. Yeah. But I could have, could
 19 be on the Constellation, which I could
 20 also be in the shop a little bit, you
 21 know.
 22 Q. And that's what I just want to
 23 follow up on. So, if we just looked at
 24 the time that you were only on the
 25 Constellation, understanding that it may

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1 not be cumulative -- may not be
 2 consecutive days that you were there --
 3 A. Okay.
 4 Q. -- but if we just looked at the
 5 time on the Constellation, just there,
 6 not on the shop and not on the
 7 destroyers, and if you added that time
 8 period up --
 9 A. Well, I used to bounce back and
 10 forth, that's what I mean overlap, I used
 11 to bounce back from the destroyers to the
 12 shop or the Constellation.
 13 Q. I understand.
 14 A. They needed me to fill in where
 15 they needed work.
 16 Q. So, let me just get the question
 17 out so that we're on the same page. If
 18 we just took the time that you were
 19 physically on the Constellation and not
 20 in the shop and not on the destroyers, --
 21 A. Okay.
 22 Q. -- just that time period, are we
 23 talking about a month or two?
 24 MR. FINLEY: Objection.
 25 Q. Just on the Constellation itself

<p>1 and not anywhere else.</p> <p>2 A. I was on the Constellation more</p> <p>3 than a month or two.</p> <p>4 Q. So, what's your best estimate?</p> <p>5 A. I don't know, I would call it</p> <p>6 over a year anyway.</p> <p>7 Q. Now, let me just ask you some</p> <p>8 questions, sir. The U.S. Government,</p> <p>9 were they your employer? You were</p> <p>10 working for the union, was the union</p> <p>11 hired by the government to do the work?</p> <p>12 A. I don't know that.</p> <p>13 Q. Do you know one way or the</p> <p>14 other --</p> <p>15 MR. ORTIZ: Strike that, I'm</p> <p>16 sorry.</p> <p>17 Q. Did the U.S. Navy have a</p> <p>18 presence on the Constellation when you</p> <p>19 would be on the Constellation?</p> <p>20 A. Yeah, they were there every day.</p> <p>21 Q. Would it be accurate that the</p> <p>22 U.S. Navy would oversee the work that was</p> <p>23 done on the Constellation?</p> <p>24 A. Yeah. They set up fire watches</p> <p>25 and everything because they didn't want</p>	<p>Page 393</p> <p>1 were just supervised by supervisors and</p> <p>2 they didn't answer to the navy for any</p> <p>3 direction.</p> <p>4 Q. Do you know if they answered to</p> <p>5 the navy; you do not know one way or the</p> <p>6 other?</p> <p>7 A. No, no.</p> <p>8 Q. The Constellation itself, sir,</p> <p>9 that was an extremely large vessel?</p> <p>10 A. Oh, yeah.</p> <p>11 Q. Was it a carrier?</p> <p>12 A. Yeah, a carrier.</p> <p>13 Q. Just as a frame of reference, if</p> <p>14 we took the Constellation and put it down</p> <p>15 in Manhattan and stood it from top to</p> <p>16 bottom, would it be taller than</p> <p>17 skyscrapers down in Manhattan?</p> <p>18 MR. FINLEY: Objection.</p> <p>19 A. I never measured it.</p> <p>20 Q. Did you know that -- do you know</p> <p>21 one way or the other, were there</p> <p>22 thousands of different compartments on</p> <p>23 the Constellation?</p> <p>24 A. Yeah, thousands. Yeah, I think</p> <p>25 there were over 3,000 rooms.</p>
<p>1 another fire.</p> <p>2 Q. Is it accurate that the navy</p> <p>3 directed the work that was to be</p> <p>4 performed on the Constellation?</p> <p>5 MR. FINLEY: Objection.</p> <p>6 A. We had supervisors on the ship</p> <p>7 overseeing the work I was doing,</p> <p>8 overseeing the work that the guys working</p> <p>9 for me were doing but we were responsible</p> <p>10 for our jobs and I guess the supervisors,</p> <p>11 the same, same supervisors on the ship</p> <p>12 every day.</p> <p>13 Q. And when you say supervisors,</p> <p>14 were these navy personnel?</p> <p>15 A. No, civilian.</p> <p>16 Q. Did your supervisors report to</p> <p>17 the navy?</p> <p>18 A. I don't know. I think so.</p> <p>19 Q. Do you know if the work that you</p> <p>20 performed on the Constellation or the</p> <p>21 other destroyers was ultimately</p> <p>22 controlled and supervised by the navy?</p> <p>23 MR. FINLEY: Objection.</p> <p>24 A. Well, now you're getting down to</p> <p>25 the lower echelon of labor, so I think we</p>	<p>Page 394</p> <p>1 Q. Obviously you did not work in</p> <p>2 every compartment, correct?</p> <p>3 A. No, but I got lost in a lot of</p> <p>4 them.</p> <p>5 Q. It would be easy to get lost,</p> <p>6 right, because of how large it was?</p> <p>7 A. There was no -- everything was</p> <p>8 -- there was no exit signs, no nothing.</p> <p>9 Q. You, sir, were a sheet metal</p> <p>10 worker, correct?</p> <p>11 A. Correct.</p> <p>12 Q. Your responsibility was to</p> <p>13 fabricate, to cut, to weld and work with</p> <p>14 steel, correct?</p> <p>15 A. Anything, aluminum, brass.</p> <p>16 Q. Any metal, correct?</p> <p>17 A. Yeah, yeah.</p> <p>18 Q. You were never trained at all to</p> <p>19 work on any equipment, correct?</p> <p>20 A. No, not really.</p> <p>21 Q. That's correct?</p> <p>22 A. Yeah.</p> <p>23 Q. Today for the first time you</p> <p>24 were asked questions --</p> <p>25 MR. ORTIZ: Let me just put on the</p>

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1 record because the questions I'm going 2 to ask now I made many objections to the 3 questions by plaintiff's counsel, I'm 4 going to ask these questions pending a 5 ruling on those objections as a courtesy 6 to plaintiff given his health and to 7 plaintiff's counsel.	1 size of any pump on the Constellation, 2 could you do that? 3 A. No. 4 MR. CURTIS: Form. 5 Q. If I asked you to tell me the 6 color of any pump on the Constellation, 7 could you do that?
8 MR. FINLEY: Sure.	8 A. Well, most of them were white 9 that I know of, most of them were white.
9 MR. ORTIZ: Without waiving any of 10 those objections.	10 Q. Do you know if that was an 11 original color or if they were painted? 12 MR. CURTIS: Form.
11 MR. FINLEY: Understood.	13 A. I don't know if they were 14 painted.
12 Q. Sir, you were asked questions 13 for the first time today about pumps, 14 okay?	15 Q. You don't know one way or the 16 other?
15 A. Yeah.	17 A. No.
16 Q. First of all, is it fair to say 17 that you have never received training on 18 working on pumps, correct?	18 Q. Is it accurate, sir, that -- do 19 you know if there was various different 20 systems that existed on the 21 Constellation, do you know one way or the 22 other as a sheet metal worker?
19 MR. CURTIS: Form.	23 MR. CURTIS: Form.
20 A. I -- pumps, I worked on pumps 21 training different -- I have pumps at 22 home and I worked on mine but I don't 23 have any idea how to do it.	24 Q. Systems.
24 Q. The pumps you worked with in 25 your home have nothing to do with your	25 A. For what?
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1 current diagnosis, correct?	1 Q. For the vessel to operate.
2 A. No, because I used to remove 3 water in the basement and things like 4 that.	2 A. Oh, yeah, there had to be.
5 Q. A sump pump?	3 Q. Do you know what those systems 4 were?
6 A. Yeah.	5 MR. CURTIS: Form.
7 Q. The pumps that you've testified 8 to on the Constellation, it's fair to say 9 that you never worked on those pumps, 10 correct?	6 A. Had dozens of systems.
11 MR. CURTIS: Form.	7 Q. Do you know the systems?
12 A. Correct.	8 A. No.
13 Q. You never received any training 14 to work on those pumps because you were a 15 sheet metal worker, correct?	9 Q. For any pump that you observed 10 on the Constellation, would it be 11 accurate to say that you could not 12 describe that pump based on which system 13 it was associated with?
16 MR. CURTIS: Form.	14 MR. CURTIS: Form.
17 A. Right.	15 A. Absolutely.
18 Q. If I asked you to just tell me 19 what the pump looked like on the 20 Constellation, could you do that?	16 Q. That would be correct, you could 17 not?
21 MR. CURTIS: Form.	18 A. Yes, I could not.
22 A. No, I don't think so because I 23 didn't watch them on the Constellation, I 24 would just walk on by.	19 Q. If I asked you to provide the -- 20 to describe the function of any pump that 21 was on the Constellation that you 22 observed, could you do that?
25 Q. If I asked you to tell me the	23 MR. CURTIS: Form.
	24 A. That's how it was doing by 25 looking at the pump?

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1 Q. Yes.
 2 A. No.
 3 Q. If I asked you to tell me what
 4 was flowing through any pump that you
 5 observed on the Constellation, could you
 6 do that?
 7 MR. CURTIS: Form.
 8 A. No.
 9 Q. If I asked you to tell me the
 10 temperature of anything that was flowing
 11 through any pump on the Constellation,
 12 could you do that?
 13 MR. CURTIS: Form.
 14 A. No.
 15 Q. If I asked you for the age of
 16 any pump on the Constellation, could you
 17 do that, --
 18 MR. CURTIS: Form.
 19 Q. -- could you give me that?
 20 A. No.
 21 Q. Would it be accurate that you
 22 would not know how many times a pump may
 23 have been worked on on the Constellation
 24 before you first observed it; --
 25 MR. CURTIS: Form.

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1 A. No.
 2 Q. -- is that true?
 3 A. No.
 4 Q. Is that true?
 5 A. True, yeah.
 6 MR. CURTIS: Form.
 7 Q. Would you know the maintenance
 8 history for any pump that was on the
 9 Constellation?
 10 A. No.
 11 MR. CURTIS: Form.
 12 MR. FINLEY: Objection.
 13 Q. Did you read any manuals for any
 14 pumps on the Constellation?
 15 MR. CURTIS: Form.
 16 A. No, not really.
 17 Q. Did you read any specifications
 18 for any pumps on the Constellation?
 19 MR. CURTIS: Form.
 20 A. No. That wasn't my field.
 21 Q. I understand that. I'm just
 22 going to ask you these questions -- I
 23 understand it was not your field, that's
 24 why I'm just asking.
 25 You said there was about 3,000

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1 different compartments on this
 2 Constellation.
 3 A. At least.
 4 Q. If I asked you to describe for
 5 me the designation of any of those
 6 compartments where you observed a pump,
 7 could you do that for me?
 8 MR. CURTIS: Form.
 9 A. Now?
 10 Q. Yes.
 11 A. No, no. I'm lucky I find myself
 12 a home.
 13 Q. For any pump that you observed
 14 on the Constellation, is it fair, sir,
 15 that you could not tell me if anyone was
 16 working on a pump in your presence on the
 17 Constellation?
 18 MR. CURTIS: Form.
 19 MR. FINLEY: Objection.
 20 A. No.
 21 Q. Is that accurate?
 22 A. Yeah.
 23 MR. CURTIS: Form.
 24 MR. FINLEY: Do you understand his
 25 question?

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1 THE WITNESS: If a pump was
 2 working, it looked like it's working.
 3 MR. FINLEY: That's not the
 4 question he asked you.
 5 A. Rephrase it then.
 6 Q. All right, sir. And if you do
 7 not understand one of my questions,
 8 you'll tell me that, okay?
 9 A. Yeah, okay.
 10 Q. Sir, for any pump that you
 11 observed -- first of all, let me ask you
 12 this: How many pumps were there on the
 13 Constellation, would you know one way or
 14 the other?
 15 A. No.
 16 Q. For any compartment that you
 17 were in on the Constellation, could you
 18 tell me how many pumps were in per any
 19 compartment?
 20 A. No.
 21 MR. CURTIS: Let me just make a
 22 blanket objection to all the pump
 23 inquiries so I don't keep chirping.
 24 MR. ORTIZ: That's fine.
 25 MR. CURTIS: Thanks.

26 (Pages 401 - 404)

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Page 405	Page 407
1 Q. Were you in any compartments --	1 you saw someone working on a pump on the
2 MR. ORTIZ: Strike that.	2 Constellation, is it fair to say you do
3 Q. Is it accurate to say that the	3 not know what they were doing on the
4 majority of the compartments that you	4 pump?
5 entered on the Constellation, there was	5 MR. FINLEY: Objection.
6 not even a pump present?	6 A. I don't -- if they were working
7 MR. FINLEY: Objection.	7 on the pump, I don't know what was wrong
8 A. I don't know.	8 with the pump.
9 Q. You don't know one way or the	9 Q. On that one occasion where you
10 other?	10 saw other individuals working on a pump
11 A. No.	11 in your presence, is it accurate to say
12 Q. You mentioned that there were	12 that you do not know what compartment
13 plumbers working on the Constellation,	13 they were in when they were working on
14 are you sure about that?	14 the pump?
15 A. When they were working on the	15 A. Yes.
16 pumps, I assumed they were hooking up the	16 Q. So, do you have an understanding
17 pumps to where they had to be working on	17 that these various compartments on the
18 them.	18 Constellation had designations?
19 Q. Well, you're assuming that and I	19 MR. FINLEY: Objection.
20 really don't want you to assume here	20 A. Yeah.
21 because I'm going to ask you about facts	21 Q. You know that, okay. Do you
22 and what you recall.	22 know how the compartments were
23 A. Well, how did they get on a	23 designated? For instance, you were asked
24 boiler, isn't that a --	24 questions over objection by your counsel
25 Q. Let me just follow up on	25 about boiler rooms and engine rooms; do
1 questions with you, okay, sir?	1 you remember those questions or do you
2 A. Okay.	2 not remember them?
3 Q. For any pump that you observed	3 A. No. Continue with the question.
4 on the Constellation, is it accurate to	4 Q. Well, do you remember being
5 say that you never saw any other	5 asked by your counsel about questions
6 individuals work on that pump?	6 pertaining to the boiler rooms on the
7 MR. FINLEY: Objection.	7 Constellation, do you remember that or
8 A. I saw --	8 not?
9 Q. Is that accurate?	9 A. What questions?
10 A. I saw them working on the pump	10 Q. Do you remember your counsel
11 but I didn't know what they were doing.	11 asking you questions about boiler rooms
12 Q. How many times did you actually	12 on the Constellation?
13 see someone work on a pump as opposed to	13 A. Asked me about where were they
14 any other piece of equipment?	14 located.
15 A. You mean working on a pump	15 Q. Do you remember or not?
16 and --	16 A. Well, I probably answered
17 Q. Just on a pump and I'll follow	17 negative.
18 up on that but I want to ask you just on	18 MR. FINLEY: Do you remember me
19 a pump, can you say that you saw someone	19 asking you those questions?
20 in your presence working on a pump on the	20 MR. ORTIZ: Counsel, I'll ask the
21 Constellation more than one time, can you	21 questions.
22 say one way or the other?	22 A. Not offhand.
23 MR. FINLEY: Objection.	23 Q. You do not, okay.
24 A. No, I don't think so.	24 MR. FINLEY: Are you okay?
25 Q. So, for that one occasion where	25 THE WITNESS: Yeah.

27 (Pages 405 - 408)

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Page 409	Page 411
<p>1 Q. Sir, let me ask you, do you know 2 how many boiler rooms were on the 3 Constellation? 4 A. No. 5 Q. Do you know if there was more 6 than one boiler room on the 7 Constellation? 8 A. No, but I assume. 9 Q. Do you know how many engine 10 rooms there were on the Constellation? 11 A. No. 12 Q. Do you know if there was any 13 machinery rooms on the Constellation? 14 A. I know there were but I didn't 15 see them. 16 Q. Okay, you didn't see them. 17 Is it accurate to say, sir, that 18 you could not tell me which boiler room 19 you ever entered on the Constellation by 20 designation or name? 21 A. Yes, that's accurate. 22 Q. Is it accurate that you could 23 not tell me what engine room you ever 24 entered on the Constellation by 25 designation or name; is that accurate?</p>	<p>1 A. That's true. 2 Q. And just regardless of the 3 number of times that you may have 4 observed pumps on the Constellation, you 5 could not tell me where those pumps were 6 by any type of designation, correct? 7 A. Correct. 8 Q. You could not tell me where 9 those pumps were by telling me the type 10 of pump it was, the function or which 11 system it was associated with, correct? 12 A. Correct. 13 Q. So, if I wanted to try and 14 figure out where any pump was located 15 when you walked by a pump or you may have 16 seen somebody near a pump or working on 17 it, it would be unable to give you -- for 18 you to give me any facts or information 19 to describe where that pump would be 20 located on the Constellation? 21 A. Correct. 22 Q. And would your answer be the 23 same regardless if anybody else asked you 24 those questions in the future? 25 A. Yeah, I wouldn't know.</p>
Page 410	Page 412
<p>1 A. Yes. 2 Q. Thinking back, sir, on this pump 3 that you recall somebody working on in 4 your presence, do you know what that pump 5 was -- 6 A. I think it wasn't on pumps every 7 day but I would just walk by, not pay 8 much attention to them. They had them on 9 the floor but... 10 MR. CURTIS: Move to strike as 11 unresponsive. 12 MR. ORTIZ: Join. 13 MR. FINLEY: Oppose. 14 Q. So, when you would be walking by 15 and anybody was working on a pump in your 16 presence or -- 17 MR. ORTIZ: Strike that. 18 Q. When you would be walking by, 19 did you just assume that individuals were 20 working on pumps? 21 A. Yes. 22 Q. You did not know if these 23 individuals were working on pumps as 24 opposed to any other piece of equipment, 25 true?</p>	<p>1 Q. The plumbers that you testified 2 to, were they union plumbers? 3 A. Oh, I don't know. 4 Q. You don't know. 5 A. I don't even know if I was a 6 union worker. 7 Q. You do not know? 8 A. No. 9 Q. And that's during the time you 10 were at the Brooklyn Navy Yard? 11 A. Yeah. 12 Q. Your counsel asked you about 13 plumbers and if you were friendly with 14 the plumbers. Did you have friends that 15 were plumbers in the Brooklyn Navy Yard? 16 A. No, not really. 17 Q. No? 18 A. I made friends there. 19 Q. If I asked you for the names of 20 any of those individuals, could you give 21 them to me? 22 A. No, no. Less than 50 years ago 23 I couldn't. 24 Q. Sir, you testified that you 25 yourself would remove insulation on the</p>

28 (Pages 409 - 412)

Page 413	Page 415
1 piping; do you remember that testimony?	1 Q. Do you know where the insulation
2 A. Yeah.	2 that was used on this piping through the
3 Q. And others removed insulation on	3 Constellation, do you know if that was
4 this overhead piping, correct?	4 provided by the navy?
5 A. Yeah.	5 MR. FINLEY: Objection.
6 Q. Was it your understanding that	6 A. I don't know.
7 the insulation that was on the piping	7 Q. You don't know one way or the
8 contained asbestos?	8 other?
9 A. No, I don't think so.	9 A. (Nodding in the negative)
10 Q. You don't know one way or the	10 Q. Do you know where the insulation
11 other?	11 that was used on the Constellation was
12 A. No.	12 provided?
13 Q. Did the piping, the overhead	13 MR. FINLEY: Objection.
14 piping that was on the Constellation run	14 Q. Who supplied it, do you know who
15 through every single compartment on that	15 did that?
16 vessel?	16 A. I don't know.
17 A. Oh, I don't know.	17 Q. For any insulation that was --
18 Q. Is the reason, sir, that you	18 that either you removed or was removed in
19 could not answer any specific questions	19 your presence, would it be accurate to
20 concerning pumps because your job as a	20 say that you would have no idea when that
21 sheet metal worker had nothing to do with	21 insulation was installed?
22 the equipment that was on the vessel,	22 MR. FINLEY: Objection.
23 correct?	23 A. Right.
24 A. Correct.	24 Q. And would it be fair to say,
25 Q. All of your attention that	25 sir, that you would have no facts or
Page 414	
1 was --	1 information to say whether any of the
2 MR. ORTIZ: Strike that.	2 insulation that either you removed or was
3 Q. Your attention on the	3 removed in your presence was installed
4 Constellation was diverted to your work	4 after the equipment was installed?
5 that was dealing with metal that was in	5 MR. FINLEY: Objection.
6 the bulkheads and the beams, correct?	6 MR. ORTIZ: I'll strike that too.
7 A. Right.	7 A. What was that last question?
8 Q. Sir, is it accurate that you	8 Q. I'll rephrase it. Do you need a
9 never saw anyone working with any type of	9 break, sir, are you okay?
10 insulation regarding the pumps; is that	10 A. No, I'm okay.
11 accurate?	11 Q. Do you want some water?
12 MR. FINLEY: Objection.	12 A. I'm getting a cold. No, I don't
13 A. Pumps, I don't know what -- they	13 need that.
14 had to be working with some sort of	14 Q. Was it your understanding, sir,
15 insulation with the pipes going through	15 that the equipment that was on the
16 there.	16 Constellation did not come with any
17 Q. That's what I was going to ask	17 insulation; is that fair?
18 you. So, the insulation that you	18 MR. FINLEY: Objection.
19 observed on the Constellation, is it	19 A. Yeah, I couldn't tell.
20 accurate to say that the insulation you	20 Q. You wouldn't know one way or the
21 observed was work by you or others on	21 other, right?
22 pipes that was running through the	22 A. No.
23 Constellation, not on any equipment,	23 Q. Is that accurate?
24 correct?	24 A. Yeah.
25 A. I would think that's correct.	25 Q. And sir, you would have no facts

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<p style="text-align: right;">Page 417</p> <p>1 or information that any of the pump 2 manufacturers specified for any 3 asbestos-containing product or material 4 to be applied or installed to pumps, 5 correct?</p> <p>6 A. Right, yeah.</p> <p>7 MR. FINLEY: Objection.</p> <p>8 Q. You would not know, that's 9 accurate?</p> <p>10 A. Yeah. I read up, I usually 11 didn't read up on a pump.</p> <p>12 Q. I understand, that wasn't your 13 responsibility, correct?</p> <p>14 A. (Nodding in the affirmative)</p> <p>15 Q. Sir, in those other naval 16 destroyers that you worked on, did you 17 also work on the pipe insulation that ran 18 through those vessels as well?</p> <p>19 A. I don't know. I think I -- I 20 know I did the bulkhead walls on those 21 but I don't know if I worked on the 22 pipes.</p> <p>23 Q. Do you remember seeing pipes 24 that ran through every compartment on 25 those vessels?</p>	<p style="text-align: right;">Page 419</p> <p>1 MR. FINLEY: Off the record. 2 (Discussion held off the record)</p> <p>3 CROSS-EXAMINATION</p> <p>4 BY MR. CARNI:</p> <p>5 Q. Good afternoon, Mr. Brown.</p> <p>6 A. Good afternoon.</p> <p>7 Q. My name is Uri Carni. Are you 8 okay to continue?</p> <p>9 A. Sure.</p> <p>10 Q. When your lawyer was asking you 11 questions a little bit earlier today, you 12 testified that you saw dust in the boiler 13 room that you inhaled; do you recall that 14 testimony?</p> <p>15 A. Yeah.</p> <p>16 Q. And you further testified when 17 your lawyer was asking you questions that 18 you guess that dust was asbestos; do you 19 remember that?</p> <p>20 A. Not really but I can understand 21 saying it.</p> <p>22 Q. Why do you guess that the dust 23 you saw in the boiler room contained 24 asbestos?</p> <p>25 MR. FINLEY: Objection.</p>
<p style="text-align: right;">Page 418</p> <p>1 A. Oh, yeah.</p> <p>2 Q. Were those pipes insulated as 3 well?</p> <p>4 A. I didn't particularly notice.</p> <p>5 Q. Do you remember seeing dust 6 coming from pipes on the vessels?</p> <p>7 A. There's always dust in those 8 rooms.</p> <p>9 Q. Did you breathe that dust in?</p> <p>10 A. Did I breathe in what?</p> <p>11 Q. Did you breathe that dust in?</p> <p>12 A. Oh, breathe it in, sure..</p> <p>13 Q. Sir, at any time did the navy 14 ever provide you with any warnings about 15 the hazards of asbestos?</p> <p>16 A. The navy?</p> <p>17 Q. Yes.</p> <p>18 A. No, I don't know.</p> <p>19 MR. ORTIZ: All right, sir, I 20 think I'm going to check my notes, thank 21 you for your time. If I have any 22 follow-ups, I'll come back.</p> <p>23 THE WITNESS: Do your notes ever 24 end?</p> <p>25 MR. ORTIZ: They usually do.</p>	<p style="text-align: right;">Page 420</p> <p>1 MR. CARNI: I'll rephrase.</p> <p>2 Q. What's the basis for your guess 3 that the dust you saw in the boiler room 4 contained asbestos?</p> <p>5 A. I don't know if there was a 6 reason for it. Oh, because of the piping 7 having asbestos, having a covering on it.</p> <p>8 Q. So, you believe that the dust 9 that you inhaled in the boiler room which 10 had asbestos came from the piping; is 11 that what you're saying?</p> <p>12 A. The covering, yeah.</p> <p>13 Q. The insulation on the piping?</p> <p>14 A. Yeah.</p> <p>15 MR. CARNI: All right, that's all 16 I have for now, thank you.</p> <p>17 THE WITNESS: Thanks for being 18 short.</p> <p>19 MR. CARNI: My pleasure.</p> <p>20 MR. FINLEY: Does anybody have 21 short questions before I give him a 22 lunch break?</p> <p>23 Off the record.</p> <p>24 (Discussion held off the record)</p> <p>25 CROSS-EXAMINATION</p>

30 (Pages 417 - 420)

Page 421	Page 423
1 BY MR. LARANCUENT:	1 Q. Do you know if it had over
2 Q. Good afternoon, Mr. Brown.	2 30,000 miles?
3 A. Good afternoon.	3 A. Probably did.
4 Q. Again, my name is Illianov Lopez	4 Q. Would it have had over 60,000
5 Larancuent. I'm just going to be	5 miles?
6 following up on some of the things that	6 A. No, I don't think that.
7 you told your attorney.	7 Q. So, it had somewhere in
8 A. Okay.	8 between --
9 Q. Yesterday you testified that you	9 A. 60,000 miles back then was a lot
10 purchased a used 1941 Ford around 1955	10 of mileage.
11 for \$50, correct?	11 Q. Would it have had over 50,000
12 A. Yes.	12 miles?
13 Q. So, this 1941 Ford was about	13 A. Let's keep it at 50.
14 fourteen years old when you purchased it?	14 Q. So, fair to say that it would
15 A. Yeah, yeah.	15 have been highly unusual for a car with
16 Q. And when you purchased it, you	16 50,000 miles to have original brakes on
17 didn't know the maintenance history of	17 it?
18 this car, correct?	18 A. Oh, yeah, I think so.
19 A. No.	19 Q. Practically impossible, correct?
20 Q. What condition was this 1941	20 A. Yeah.
21 Ford when you purchased it?	21 MR. LARANCUENT: I have no further
22 A. It had, it had a banged in rear	22 questions, thank you.
23 left fender, it had no front windshield	23 THE WITNESS: All right.
24 and it was through a fellow that lived on	24 MR. FINLEY: Anybody else have
25 my block.	25 questions?
Page 422	
1 Q. Fair to say it wasn't in mint	1 Off the record.
2 condition?	2 (Discussion held off the record)
3 A. No, it wasn't in mint. I bought	3 MR. FINLEY: Why don't we stop
4 it in January, February, January or	4 right now and we'll come back after
5 February.	5 lunch.
6 Q. So, this car needed a lot of	6 (Whereupon, at 12:36 P.M., a lunch
7 repair work?	7 recess was taken)
8 A. Yeah.	8 (Back on the record at 1:51 P.M.)
9 Q. The tires were worn down?	9 CROSS-EXAMINATION
10 A. Oh, I don't know offhand.	10 BY MS. MACSTEEL:
11 Q. Did the car have dings, dents	11 Q. Good afternoon, sir. My name is
12 and scratches on the body?	12 Genevieve MacSteel and I'm from the law
13 A. Oh, yeah, it had a dent, the	13 firm of Darger, Errante, Yavitz and Blau.
14 rear fender was --	14 I wanted to ask you about the
15 Q. Do you know how many miles this	15 Fred Brown Painting Company, do you
16 Ford had, this 1941 Ford?	16 recall when you first started that
17 A. No. The engines were good, very	17 business?
18 good.	18 A. The date?
19 Q. Was it a high mileage vehicle	19 Q. Or the year?
20 when you purchased it fourteen years --	20 A. I could come up with one because
21 A. It was pre-owned but I knew the	21 I started early. Let's see, I got out of
22 guy who had it.	22 the service, got out of the service about
23 Q. How many miles can you estimate	23 '55 --
24 that the vehicle had?	24 THE WITNESS: The zone area, '55
25 A. Oh, I don't know, I don't know.	25 and what?

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	Page 425		Page 427
1 MR. FINLEY: Do you recall		1 after, that's fine.	
2 approximately when you started your side		2 A. Seven years.	
3 business?		3 Q. And was that company ever	
4 THE WITNESS: As soon as I got		4 registered with the state?	
5 back from the service, that was --		5 MR. FINLEY: Objection, asked and	
6 MR. FINLEY: I can't.		6 answered.	
7 THE WITNESS: Oh, you can't say		7 A. No.	
8 that.		8 Q. Did you file separate taxes for	
9 Q. Well, let me ask you this: You		9 that business?	
10 already were working as a New York City		10 A. No.	
11 firefighter at the time, correct?		11 MR. FINLEY: Objection.	
12 A. When I was making?		12 Q. Did you maintain any paperwork	
13 Q. When you had your side job --		13 with regard to that side business?	
14 A. Yes.		14 MR. FINLEY: Objection.	
15 Q. -- you were already in the fire		15 Q. Did you retain any kind of	
16 department, correct?		16 records or paperwork?	
17 A. Yes, yes.		17 A. No, no. It started off as a	
18 Q. Do you recall how long after you		18 father and son and a father and two sons,	
19 were in the fire department that you		19 then a father and two sons and my	
20 started the side jobs, if it was years		20 daughter, then it dwindled down.	
21 later or --		21 Q. When you first started was it	
22 A. Oh, no. I worked, I worked in		22 just you and your son Douglas or your	
23 the fire department for seven or eight,		23 other son?	
24 about seven or eight years before I		24 A. Me and my son David.	
25 started the painting. I started off very		25 Q. Oh, sorry, David, okay.	
	Page 426		Page 428
1 small, just me myself.		1 A. He's the one who passed away.	
2 Q. Do you recall when you started		2 Q. Right.	
3 with the fire department?		3 And how long were you and David	
4 MR. FINLEY: Objection, asked and		4 doing this business before your other son	
5 answered.		5 joined you?	
6 A. Well, I'll try and get a		6 A. Before he started? Oh, I don't	
7 starting date on this. About '52 -- I'm		7 know, we did it for, I would say fifteen	
8 terrible with dates.		8 years.	
9 Q. It's okay. So, approximately		9 Q. And when did your daughter join	
10 seven years after you started with the		10 after you started the business?	
11 fire department you started your		11 A. Oh, she used to because she	
12 business, correct?		12 didn't like being a waitress and she	
13 A. Started what?		13 enjoyed painting.	
14 Q. Your side business, the Fred --		14 Q. Would she do that more on a	
15 A. Yeah.		15 full-time basis?	
16 Q. -- Brown Painting, correct?		16 A. When she did it for me, yes,	
17 A. When did I start in the fire		17 when she first started, yeah.	
18 department?		18 Q. When you started the business,	
19 Q. That's okay if --		19 did you have a regular place where you	
20 MR. FINLEY: You testified to it		20 bought your supplies?	
21 already in the record.		21 A. Yeah.	
22 Q. Yes, it's in the record, so		22 Q. Where was that?	
23 that's okay. I'm just trying to get a		23 A. Malacoff Paint Store.	
24 time frame if you were able to give me		24 Q. Muller?	
25 that, so that's fine if it's seven years		25 A. M-A-L-A-C-O-F-F.	

32 (Pages 425 - 428)

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	Page 429		Page 431
1	Q. Malacoff?	1	either one of them?
2	A. Malacoff.	2	A. Once in a while. We're all
3	Q. And where was that located?	3	getting too old to talk on the phone, too
4	A. It was located on Nostrand	4	old to get out of the chair.
5	Avenue between C and D, I think. He	5	Q. Did you pay Jimmy and Pete off
6	might not be there anymore.	6	the books?
7	Q. I was just going to ask you if	7	MR. FINLEY: Objection.
8	you knew whether he was still in	8	A. Yes.
9	business.	9	Q. I know I asked you this before
10	A. He might be.	10	but I don't think you gave me an answer:
11	Q. Did you know who the owner was	11	On average how many jobs would you have a
12	for Malacoff supply?	12	week?
13	A. Yeah, Mr. Malacoff.	13	A. Oh, some jobs would last a month
14	Q. Do you know his first name?	14	if it was a big Queen Anne family home.
15	A. Izzy.	15	I would say the average job, average job
16	Q. Do you recall what type of	16	was too big, I would hire more guys.
17	painting you would buy, what kind of	17	Q. My question is how many of those
18	paints you would buy when you --	18	jobs on average would you have a week;
19	A. Mostly Benjamin Moore.	19	would you have one job, would you have
20	Q. Do you know what type of	20	two jobs a week? Just an average amount
21	Benjamin Moore paint you would buy?	21	that you would have per week.
22	A. There was a lot of painting in	22	A. I would stay with one job until
23	flat in the beginning, selected.	23	I finish it, go on to the next. I didn't
24	Q. Did you buy flat, latex or what	24	like all the mumbo-jumbo.
25	type of paint?	25	Q. So, when you had a job, some of
	Page 430		Page 432
1	A. All of it before.	1	them would last up to a month; is that
2	Q. All of it?	2	correct?
3	A. I bought flat, latex, oil based,	3	A. Yeah. If it was a big job, I
4	alcohol based. A professional painter	4	would get on them, like half of them.
5	uses everything.	5	Q. What was the most amount of
6	Q. On average in a week do you	6	people you employed to do a job?
7	recall how many jobs you would do when	7	A. I was on an average ratio,
8	you started the business?	8	average amount of people?
9	A. I didn't do much, it was all	9	Q. No. You already told me that
10	full family, like. I had to cover two	10	you always had Jimmy and Pete as staples.
11	guys that were steady for about fifteen	11	A. Yeah, yeah.
12	years I guess.	12	Q. But I'm saying what was the most
13	Q. And what was the name of the two	13	amount of people you ever had on one job?
14	guys that worked with you on a steady	14	A. Let's say seven or eight, yeah.
15	basis?	15	But I never hired them all for long, I
16	A. Oh, wow. I don't know where	16	didn't want too many.
17	they lived. Jimmy Ryan and Pete Calcio.	17	Q. And what kind of trades did you
18	Q. And do you know where they	18	hire, just painters?
19	lived?	19	A. Painters, yeah. But we were
20	A. Jimmy Ryan lives in South	20	putting up Sanitas wallpaper and...
21	Carolina, that's all I know.	21	Q. You mentioned earlier today
22	Q. And do you know where Pete	22	after your attorney asked you some
23	lives?	23	questions that you recalled using
24	A. In Staten Island.	24	Georgia-Pacific joint compound; do you
25	Q. Do you still communicate with	25	recall that?

33 (Pages 429 - 432)

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Page 433	Page 435
1 A. Yeah.	1 sheetrock, the spackle or the joint
2 Q. Do you recall at what location	2 compound?
3 you recall using Georgia-Pacific joint	3 A. Joint compound.
4 compound?	4 Q. And what is the spackle used
5 A. I used Georgia-Pacific for	5 for?
6 years. Sometimes I had three or four	6 A. Spackle is used for small cracks
7 guys working, we go through a lot, five	7 and stuff on the wall, for leveling them
8 or six 5 gallon buckets.	8 out, skim coating the wall.
9 Q. Did you use spackle or joint	9 Q. Do you know who made the spackle
10 compound or both?	10 that you recall using?
11 A. I don't know technically the	11 A. I don't know what was there. I
12 difference, I used both of them all my	12 know I used Montrose and something else,
13 life.	13 Montrose and -- also I used a lot of
14 Q. You used both?	14 Synkoloid, I never heard.
15 A. Yeah.	15 Q. Did you use Synkoloid joint
16 Q. What was the difference between	16 compound?
17 the spackle and the joint compound?	17 A. I think so, yeah.
18 MR. FINLEY: Objection.	18 Q. Do you recall using other brands
19 A. I really don't know the	19 of joint compound?
20 difference, I just know I used to call it	20 A. No, just those few. You used
21 -- I don't know what they call it now, if	21 the sheet board, they used to shrink too
22 they call it joint compound or spackle.	22 much.
23 What's the most common name? It's the	23 Q. The Georgia-Pacific, do you
24 same thing basically.	24 recall whether you used joint compound or
25 Q. Let me ask you this again: At	25 spackle?
Page 434	
1 the time that you had your side job, your	1 MR. FINLEY: Objection.
2 side business, sorry, did you use spackle	2 A. I don't know which one I got,
3 or did you use joint compound?	3 probably used both of them.
4 MR. FINLEY: Objection.	4 Q. Do you know if Georgia-Pacific
5 A. I don't know what's the	5 made both spackle and joint compound?
6 difference. It was a case of 5 gallon	6 MR. FINLEY: Objection.
7 bucket, joint compound or spackle, come	7 A. I thought they did.
8 out with the same can I guess all the	8 MR. FINLEY: Do you know?
9 time.	9 THE WITNESS: I would say yes.
10 Q. Well, let me ask you this, do	10 Q. Can you --
11 you know the difference between spackle	11 A. They changed at one point.
12 and joint compound?	12 MR. FINLEY: Wait for her to ask
13 A. No. I don't know the technical	13 the questions.
14 difference.	14 Q. Do you recall how the
15 Q. Pardon?	15 Georgia-Pacific came packaged, the joint
16 A. I don't know the different	16 compound?
17 ingredients, the difference.	17 A. When I first started using it,
18 Q. Do you know what spackle is used	18 it was metal cans, 5 gallon buckets.
19 for?	19 Q. Do you recall what the color
20 A. Yeah.	20 was?
21 Q. And do you know what joint	21 A. No.
22 compound is used for?	22 Q. Do you recall what the color of
23 A. One is used for, one is used for	23 the lid was?
24 wallboard, sheetrock.	24 A. No. I only used the inside.
25 Q. Which one is used for the	25 Q. How did you know it was

34 (Pages 433 - 436)

1 Georgia-Pacific who made that joint
2 compound that you used?
3 A. Well, when I asked for it, I
4 always bought mostly Georgia-Pacific.
5 Q. Do you recall what the color of
6 the Synkoloid joint compound was?
7 A. That came in a yellow can.
8 Q. Do you recall anything on the
9 metal buckets that you recall being made
10 by Georgia-Pacific?
11 A. I might have read something on
12 it but I -- maybe I forgot it, maybe I
13 didn't, I don't know. I might have
14 gotten confused.
15 Q. Do you recall any color
16 associated with the Georgia-Pacific joint
17 compound on the packaging?
18 A. No. The Montrose I know was
19 black I think, black.
20 Q. Do you recall if there were any
21 pictures or logos on the metal cans that
22 you associate with Georgia-Pacific?
23 A. No.
24 Q. Do you recall if there was any
25 writing on the cans that you associate

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1 (Discussion held off the record)
2 Q. Did you have to do any kind of
3 mixing of this paste-like joint compound
4 that you bought?
5 A. Yeah. Most of the time I would
6 thin it down a little bit so it was
7 easier to work with.
8 Q. How would you do that?
9 A. To put it -- 5 gallon, put a
10 gallon in there, mix it up.
11 Q. When you say put a gallon in,
12 what are you referring to?
13 A. Into a 5 gallon plastic pail and
14 mix it up a little, just a little water,
15 sort of the way you would thin paint so
16 it would be brushable.
17 Q. Would you add water to it, is
18 that what you're saying?
19 A. Yeah.
20 Q. And it already came in a 5
21 gallon container, correct?
22 A. Yeah.
23 Q. So, you would transfer to
24 another container?
25 A. No. Just a small, a gallon at a

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1 with Georgia-Pacific?
2 A. I thought there was some warning
3 on it, I don't know if there was.
4 Q. You indicated that at some point
5 you recall that there was a change to the
6 actual container, correct?
7 A. Yeah.
8 Q. What was the change?
9 A. It went from a metal to plastic.
10 Q. Do you recall when that was?
11 A. No.
12 Q. Do you recall how long after you
13 started your business that this change
14 took place?
15 A. No.
16 Q. You indicated that they came in
17 5 gallon buckets, correct?
18 A. Yes.
19 Q. Was this a powder form?
20 A. Paste.
21 Q. What color was the paste?
22 A. Yellowish, white-yellow, a cream
23 color. I don't know, I thought it was a
24 cream or white color.
25 MR. FINLEY: Off the record.

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1 time.
2 Q. And what would you mix it with?
3 A. Water.
4 Q. Would you use any kind of tools
5 to do the mixing or --
6 A. Oh, a metal stirrer or a wooden
7 one if it wasn't too thick.
8 Q. You indicated that you saw some
9 warnings on the bucket, do you recall if
10 you saw the warning on the metal bucket
11 or on the plastic bucket or both?
12 A. I think the metal bucket -- no,
13 no, no. I'm switching back and forth
14 from the metal --
15 Q. Was it either one or on both?
16 A. No, no, the metal bucket didn't
17 have it.
18 Q. Do you recall what color the
19 warning was on the bucket?
20 MR. FINLEY: Objection.
21 A. Only bucket that I know of color
22 I remember was the Synkoloid one which
23 was yellow with cream.
24 Q. So, just so the record is clear,
25 you don't recall the color of the

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<p style="text-align: right;">Page 441</p> <p>1 Georgia-Pacific joint compound container, 2 correct?</p> <p>3 MR. FINLEY: You're talking about 4 the metal bucket or the plastic bucket?</p> <p>5 MS. MACSTEEL: Either one.</p> <p>6 A. No.</p> <p>7 Q. Just so it's clear, is it 8 correct that you don't recall the color 9 of the Georgia-Pacific joint compound 10 bucket that was made of metal, correct?</p> <p>11 A. Right.</p> <p>12 Q. And is it correct that you don't 13 recall the color of the Georgia-Pacific 14 joint compound container that was made of 15 plastic that you recall?</p> <p>16 A. Yeah.</p> <p>17 Q. Do you recall what the warning 18 said on the bucket that you recall?</p> <p>19 MR. FINLEY: Objection. I'm 20 confused, which bucket?</p> <p>21 MS. MACSTEEL: He wasn't sure if 22 it was metal or plastic, so whichever 23 one it was, I'm just asking does he 24 recall what the warning said.</p> <p>25 MR. FINLEY: Do you understand the</p>	<p style="text-align: right;">Page 443</p> <p>1 joint compound containers?</p> <p>2 MR. FINLEY: Objection.</p> <p>3 A. Yeah, but I don't know how long 4 ago I read it. I don't know if I...</p> <p>5 Q. Do you recall if there was --</p> <p>6 A. I was there to paint, not to 7 read the labels.</p> <p>8 Q. Do you recall if there was any 9 other writing on the containers? And 10 we're talking about the joint compound.</p> <p>11 A. No.</p> <p>12 Q. Was there any other writing 13 besides the warning?</p> <p>14 MR. FINLEY: Objection.</p> <p>15 A. I don't know.</p> <p>16 Q. Do you recall if there were any 17 instructions on the containers of joint 18 compound that you used?</p> <p>19 A. Oh, there probably were but I 20 don't know what they are now.</p> <p>21 Q. Well, do you recall what they 22 were when you used them?</p> <p>23 MR. FINLEY: Objection.</p> <p>24 A. Not really. It's 50 years ago, 25 remember if I recall those instructions?</p>
<p style="text-align: right;">Page 442</p> <p>1 question?</p> <p>2 THE WITNESS: Before I did.</p> <p>3 MR. FINLEY: Okay.</p> <p>4 A. I wasn't sure if it was so much 5 about the tin bucket having a warning.</p> <p>6 Q. Right, I understand that you're 7 not sure which one.</p> <p>8 A. Yeah.</p> <p>9 Q. But I'm just asking you do you 10 recall what the actual warning said?</p> <p>11 A. No, the actual warning I don't 12 remember.</p> <p>13 Q. Do you recall if there was a 14 warning on any of the paint buckets that 15 you used?</p> <p>16 A. What type of paint bucket?</p> <p>17 Q. On any of the paint buckets.</p> <p>18 A. No. But it was probably a 19 warning on all of them, flat, semigloss, 20 oil base, alcohol base, whatever.</p> <p>21 Q. Did you ever read those 22 warnings?</p> <p>23 A. Oh, yeah, I read them, stand 24 right out.</p> <p>25 Q. Did you read the warnings on the</p>	<p style="text-align: right;">Page 444</p> <p>1 Very tough.</p> <p>2 Q. Do you recall if the 3 instructions that you recall were the 4 same on all the joint compound 5 containers, whether they were made by 6 Synkloid or Montrose or Georgia-Pacific?</p> <p>7 A. No, I don't know. They could 8 have been all made by the same company 9 but I don't know.</p> <p>10 Q. When would you use the 11 Georgia-Pacific joint compound, like on 12 what occasion?</p> <p>13 A. Well, most of the time on all 14 the jobs.</p> <p>15 Q. And when would you use the 16 Montrose?</p> <p>17 A. All the time, whenever I bought 18 the -- I think Montrose was the best one. 19 Also Mansfield [sic].</p> <p>20 Q. Manville, Johns-Manville?</p> <p>21 A. Yeah, I liked that one. I used 22 them, the ones I liked, which didn't 23 shrink up too much.</p> <p>24 Q. So, would it be -- would I be 25 correct in saying that you used the</p>

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1 Johns-Manville and the Montrose the most?	1 off all the scales off the wall, give it
2 MR. FINLEY: Objection.	2 a quick skim coat. When that dries a
3 A. I don't know which one I used	3 quick light sanding with a stick and then
4 the most. I used to use Synkoloid when I	4 I go over and then I coat it or give it a
5 first started off the most.	5 coat of primer paint and this way you
6 Q. When did you start using the	6 wouldn't see the marks in the wall.
7 Georgia-Pacific; do you recall?	7 There's so many different ways of doing
8 A. They were mixed up, you know,	8 spackle.
9 like one week I use this. I thought they	9 Q. We're talking about doing the
10 were all the same to be honest.	10 joint compound.
11 Q. Do you recall if there was a	11 A. Okay.
12 difference in the color of the joint	12 Q. When would you use the joint
13 compound in the bucket between the	13 compound in that process?
14 different manufacturers?	14 A. Hanging, when you hang new
15 A. Oh, no, I don't know that.	15 sheetrock.
16 Q. Where would you apply the	16 Q. You would hang the sheetrock and
17 Georgia-Pacific joint compound on a job?	17 then what would you do next?
18 A. Wherever I had I would apply the	18 A. Put joint compound over after
19 Montrose to a specific spot, I considered	19 the space was left.
20 them all basically the same.	20 Q. Would you ever tape it first?
21 Q. But I'm just asking you right	21 A. I put the joint compound first
22 now about Georgia-Pacific, where would	22 and then I put the tape on, this way the
23 you use it on a job; do you understand	23 tape, the room, put the tape on and then
24 what I'm saying?	24 I give it another coat of joint compound.
25 A. On any place that I would use	25 Then I let it dry overnight and come back
1 the others.	1 and give it another coat when it dried.
2 Q. But would you use it to repair a	2 Q. And when you would apply the
3 wall, would you use it for what purpose?	3 joint compound, how long would that take
4 A. Yeah, to repair a wall or even	4 to apply it to that seam?
5 seams that I was going to tape, taping	5 A. Well, depends on how big the
6 and then give another coat the next day.	6 seams were, how deep it was.
7 Q. And when you used it, would you	7 Q. Can you give me an average?
8 just be trying to cover up the seam or	8 A. Eight foot seam.
9 would it be for some other purpose?	9 Q. For example, if it was an 8 foot
10 A. No. I used two, I used two or	10 seam, how long would that take you to
11 three layers anyway.	11 apply the joint compound?
12 Q. No, I understand, we're going to	12 A. Ten minutes.
13 get to that. I'm just trying to figure	13 Q. And when you applied the joint
14 out when you got into a room or an area,	14 compound, it was wet, correct?
15 what would you do, the first thing you	15 A. Yes.
16 would do?	16 Q. And you would then apply the
17 A. I'd see which one of them I was	17 tape?
18 going to use. But I had all three, most	18 A. Yeah.
19 of the time I used the one I had the most	19 Q. And then you would let it dry?
20 of.	20 A. Yeah. If I had time, the job
21 Q. I understand that. I'm trying	21 was big enough, I would apply the tape
22 to understand when you walk into the room	22 and then try to work my way around the
23 that you're going to paint, what do you	23 room and hoping it would be dry, give it
24 do first?	24 another coat and put joint compound.
25 A. I put down drop cloths, strip	25 Q. And when you applied the second

<p style="text-align: right;">Page 449</p> <p>1 coat, that would be wet as well, correct?</p> <p>2 A. Yeah, that coat was wet but I 3 usually did it the next day, liked to 4 give it a sanding rubdown.</p> <p>5 Q. When would you sand, after the 6 second coat you would then sand it down 7 to make it smooth?</p> <p>8 A. Yeah.</p> <p>9 Q. And how long would the sanding 10 take?</p> <p>11 A. Well, depending on the size of 12 the room.</p> <p>13 Q. On average?</p> <p>14 A. What's an average room?</p> <p>15 MR. FINLEY: If you can.</p> <p>16 Q. Well, let me ask you this: You 17 talked about it would take ten minutes 18 for an 8 foot --</p> <p>19 A. Eight foot.</p> <p>20 Q. -- seam, right?</p> <p>21 A. Yeah.</p> <p>22 Q. How long would it take you to 23 sand that?</p> <p>24 A. Just the one seam?</p> <p>25 Q. Yes.</p>	<p style="text-align: right;">Page 451</p> <p>1 Q. Do you recall the last time you 2 recall using Georgia-Pacific joint 3 compound?</p> <p>4 A. The last time I used what kind 5 of joint compound?</p> <p>6 Q. The last time you used it.</p> <p>7 A. I haven't worked in quite a few 8 years.</p> <p>9 Q. I understand. I'm just saying 10 can you recall the last time you used it, 11 the decade, the year?</p> <p>12 A. Yeah. Maybe fifteen, 20 years.</p> <p>13 Q. When you recall the containers 14 changing, --</p> <p>15 A. Yeah.</p> <p>16 Q. -- do you recall if the actual 17 joint compound also changed?</p> <p>18 A. Oh, I don't know.</p> <p>19 Q. Did you ever see anything on 20 either the metal cans or the plastic cans 21 that said that the joint compound 22 contained asbestos?</p> <p>23 A. No, I don't think so.</p> <p>24 Q. Do you know if there was joint 25 compound that did not contain asbestos?</p>
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<p style="text-align: right;">Page 450</p> <p>1 A. I don't know. Depending on how 2 bad off it was, you know, and how much 3 joint compound -- some of them were 4 uneven a lot, you got to sort of fuzazi 5 it up, put on the second coat.</p> <p>6 Q. But I'm just talking about how 7 long it would take you to sand it.</p> <p>8 MR. FINLEY: Objection.</p> <p>9 A. Hard to compare, I don't know 10 how bad the imperfection is on it.</p> <p>11 Q. I understand.</p> <p>12 Could you tell me the longest 13 time it would take you to do that?</p> <p>14 A. Eight foot section, 8 foot, I 15 don't know, working on it, half hour.</p> <p>16 Q. And what would you be sanding it 17 with?</p> <p>18 A. Sandpaper, medium grade 19 sandpaper.</p> <p>20 Q. Would I be correct that you did 21 not use joint compound on every job that 22 you did?</p> <p>23 MR. FINLEY: Objection.</p> <p>24 A. Not use it? In other words, 25 maybe I used spackle, could be, yeah.</p>	<p style="text-align: right;">Page 452</p> <p>1 MR. FINLEY: Objection.</p> <p>2 A. I know now, I didn't know then.</p> <p>3 Q. Do you know if Georgia-Pacific 4 made joint compound that did not contain 5 asbestos?</p> <p>6 A. That's where they change over to 7 later, Georgia-Pacific changed over to 8 that?</p> <p>9 Q. I'm just asking if you know 10 whether they ever made joint compound 11 that did not contain asbestos.</p> <p>12 A. I don't know.</p> <p>13 Q. Do you know if the joint 14 compound that you recall being made by 15 Georgia-Pacific, whether it was in a 16 metal container or in a plastic 17 container, whether it contained any 18 asbestos?</p> <p>19 MR. FINLEY: Objection.</p> <p>20 A. I know -- well, you said 21 Georgia-Pacific did contain asbestos, I 22 don't know which one contained it.</p> <p>23 Q. My question to you is do you 24 know whether the joint compound that you 25 used made by Georgia-Pacific ever</p>
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1 contained asbestos?	1 A. I never really paid much
2 A. Oh, I don't know.	2 attention to the color but back in the
3 Q. When you had these different	3 creamy yellow thing.
4 jobs that you would do and when you would	4 Q. Was the color the same for
5 have to use the Georgia-Pacific joint	5 Montrose and for Johns-Manville?
6 compound, who on your team would actually	6 MR. FINLEY: Objection.
7 do the sanding; would it be your sons,	7 A. I really don't -- could be
8 would it be your daughter, would it be	8 close, I don't -- that I said it was no
9 you, would it be your employers, who	9 importance to me, the color.
10 would it be?	10 Q. Well, would it be fair to say as
11 A. Everybody did it, I even did it.	11 you recall they were all basically in the
12 Q. So, different people that you	12 beige family?
13 employed did the sanding including	13 MR. FINLEY: Objection.
14 yourself?	14 A. Yeah, pretty much.
15 A. Yeah.	15 Q. Do you recall if there were any
16 Q. So, would it be fair to say that	16 warnings on any of the other
17 you did not do the sanding on every job	17 manufacturers' joint compound, whether it
18 that you did use the Georgia-Pacific	18 was Synkoloid, Johns-Manville or
19 joint compound; would that be fair?	19 Montrose?
20 A. Yeah, that would be fair.	20 A. I might have read them but that
21 Q. After you sanded what did you do	21 was a while.
22 next to the walls?	22 Q. Did anyone ever tell you that
23 A. Painted it, latex or oil based	23 the Georgia-Pacific joint compound that
24 primer.	24 you used contained asbestos?
25 Q. What was the color of the joint	25 A. No.
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1 compound after it dried?	1 Q. Do you know if you were ever
2 A. White.	2 exposed to asbestos from a
3 Q. What color was it when you	3 Georgia-Pacific joint compound?
4 applied it when it was wet? And we're	4 A. No.
5 talking just about Georgia-Pacific.	5 MR. FINLEY: Objection.
6 A. I think it was like a	6 MS. MACSTEEL: I'm almost done.
7 creamish-white, yellowish tint.	7 MR. FINLEY: Off the record.
8 Q. Do you know if the	8 (Discussion held off the record)
9 Georgia-Pacific joint compound came in	9 Q. I know I had asked you before
10 more than one color, the actual compound?	10 and you did mention that you did one
11 A. I never used, I only used --	11 Queen Anne location, do you recall any
12 Q. Pardon?	12 specific like addresses or sites that you
13 A. I never used a different color	13 may have worked using Georgia-Pacific
14 one.	14 joint compound?
15 Q. Would you be able to tell the	15 A. No, no. I'm not painting now
16 difference between a joint compound that	16 nearly 30 years, 25, 30 years.
17 contained asbestos versus one that did	17 Q. I understand.
18 not contain asbestos?	18 A. And that's my last job, you're
19 MR. FINLEY: Objection.	19 going close to 50 years, 60 years, 50
20 A. No.	20 years.
21 Q. Do you recall what the color of	21 Q. It's okay if you don't remember,
22 the joint compound was for the Synkoloid?	22 you can just let me know you don't
23 MR. FINLEY: Objection.	23 remember.
24 Q. The actual joint compound, the	24 A. I don't remember.
25 mixture, do you recall the color?	25 MS. MACSTEEL: Sir, I think those

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1 are all the questions I have. Thank you		1 A. No.
2 for your time.		2 Q. Was one ever provided to you?
3 THE WITNESS: Okay, you're		3 A. No.
4 welcome.		4 Q. When you worked at the Brooklyn
5 MR. FINLEY: Anybody else in the		5 Navy Yard, did you ever wear a mask or a
6 room have questions?		6 respirator?
7 (No verbal response given)		7 A. No.
8 MR. FINLEY: Anybody on the phone		8 Q. Was one ever provided to you?
9 have questions?		9 A. No.
10 (No verbal response given)		10 Q. When you worked for the fire
11 MR. FINLEY: Sir, I have like two		11 department for the City of New York, did
12 minutes of questions to ask you.		12 anybody at the FDNY warn you of the
13 Off the record.		13 dangers of asbestos?
14 (Discussion held off the record)		14 A. No.
15 FURTHER EXAMINATION		15 Q. Had somebody warned you of the
16 BY MR. FINLEY:		16 dangers of asbestos, what would you have
17 Q. Hi again, Mr. Brown.		17 done?
18 A. Hello.		18 (All defendants object)
19 Q. As you know I'm your attorney		19 A. Well, I would listen to it first
20 from Weitz and Luxenberg. I just have a		20 and see how it came across to me and see
21 couple of follow-up questions as I was		21 how serious I took it, I don't know.
22 reviewing my notes before --		22 Q. And if you took it seriously,
23 A. Okay.		23 would you have done something different?
24 Q. -- I just wanted to ask you		24 (All defendants object)
25 about real quick.		25 A. Yes, probably.
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1 Sir, when you worked for E.D.		1 Q. What would you have done
2 Rakison, did anybody from E.D. Rakison		2 different?
3 ever warn you about the dangers of		3 (All defendants object)
4 asbestos?		4 A. I would find out what I could do
5 A. No. Didn't even know it		5 to correct the situation.
6 existed.		6 MR. FINLEY: Thank you, sir, I
7 Q. When you worked at the Brooklyn		7 have no further questions.
8 Navy Yard, did anybody at the Brooklyn		8 THE WITNESS: Okay.
9 Navy Yard warn you about the dangers of		9 MR. FINLEY: Does anybody in the
10 asbestos?		10 room have any additional questions?
11 (All defendants object)		11 (No verbal response given)
12 A. No.		12 MR. FINLEY: Does anybody on the
13 Q. Did any of your supervisors warn		13 phone have any questions?
14 you about the dangers of asbestos at the		14 (No verbal response given)
15 Brooklyn Navy Yard regardless of whether		15 MR. FINLEY: Okay, this concludes
16 they were a civilian or military		16 the deposition. I want to thank
17 personnel?		17 everybody for their time and patience
18 A. No.		18 over the last few days. Thank you.
19 Q. The second time you worked for		19 (Whereupon, at 2:40 P.M., the
20 Rakison, did anybody from there warn you		20 examination of this witness was
21 of the dangers of asbestos?		21 concluded)
22 A. No.		22
23 Q. When you were working at E.D.		23
24 Rakison, did you ever use a mask or a		24
25 respirator?		25

PRIORITY ONE REPORTING (718) 983-1234

<p>1 WITNESS CERTIFICATION</p> <p>2</p> <p>3</p> <p>4 I have read the foregoing transcript of</p> <p>5 my testimony and find it to be true and</p> <p>6 accurate to the best of my knowledge and</p> <p>7 belief.</p> <p>8</p> <p>9</p> <p>10 <u>FREDERICK G. BROWN</u></p> <p>11</p> <p>12 Subscribed and sworn to</p> <p>13 before me on this _____</p> <p>14 day of 2017.</p> <p>15</p> <p>16</p> <p>17 Notary Public</p> <p>18</p> <p>19 * * *</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 461</p> <p>1 CERTIFICATION</p> <p>2</p> <p>3 I, CHERYL F. SOLOMON, a Stenotype</p> <p>4 Shorthand Reporter and Notary Public within</p> <p>5 and for the State of New York, do hereby</p> <p>6 certify that the within Continued</p> <p>7 Examination Before Trial of FREDERICK G.</p> <p>8 BROWN was held before me and I faithfully</p> <p>9 and impartially recorded stenographically</p> <p>10 the questions, answers and colloquy.</p> <p>11 I further certify that after said</p> <p>12 examination was recorded stenographically by</p> <p>13 me, it was reduced to typewriting under my</p> <p>14 supervision, and I hereby submit that the</p> <p>15 within contents of said examination are true</p> <p>16 and accurate to the best of my ability.</p> <p>17 I further certify that I am not a</p> <p>18 relative of nor an attorney for any of</p> <p>19 the parties connected with the aforesaid</p> <p>20 examination, nor otherwise interested in</p> <p>21 the testimony of the witness.</p> <p>22</p> <p>23</p> <p>24 CHERYL F. SOLOMON</p> <p>25</p>																																																
<p>1 INDEX TO TESTIMONY</p> <p>2</p> <p>3 EXAMINATION BY PAGE LINE</p> <p>4 Examination by 311 11</p> <p>5 Mr. Finley</p> <p>6 Cross-Examination by Mr. Ortiz</p> <p>7 Cross-Examination by Mr. Carni</p> <p>8 Cross-Examination by Mr. Larancuent</p> <p>9 Cross-Examination by Ms. MacSteel</p> <p>10 Further Examination by Mr. Finley</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 462</p> <p>1 ERRATA SHEET</p> <p>Priority One Court Reporting/Videotext</p> <p>2 71K-083-1234</p> <p>3 ASSIGNMENT NO P1-2780313</p> <p>3 CASE NAME: Brown, Frederick v. Asbestos</p> <p>4 DATE OF DEPOSITION: 12/01/2017</p> <p>4 WITNESS NAME: Frederick G Brown</p> <p>5</p> <table border="1"> <thead> <tr> <th>PAGE/LINE(S)</th> <th>CHANGE</th> <th>REASON</th> </tr> </thead> <tbody> <tr><td>6 /</td><td>/</td><td>/</td></tr> <tr><td>7 /</td><td>/</td><td>/</td></tr> <tr><td>8 /</td><td>/</td><td>/</td></tr> <tr><td>9 /</td><td>/</td><td>/</td></tr> <tr><td>10 /</td><td>/</td><td>/</td></tr> <tr><td>11 /</td><td>/</td><td>/</td></tr> <tr><td>12 /</td><td>/</td><td>/</td></tr> <tr><td>13 /</td><td>/</td><td>/</td></tr> <tr><td>14 /</td><td>/</td><td>/</td></tr> <tr><td>15 /</td><td>/</td><td>/</td></tr> <tr><td>16 /</td><td>/</td><td>/</td></tr> <tr><td>17 /</td><td>/</td><td>/</td></tr> <tr><td>18 /</td><td>/</td><td>/</td></tr> <tr><td>19 /</td><td>/</td><td>/</td></tr> <tr><td>20 /</td><td>/</td><td>/</td></tr> </tbody> </table> <p>20 Frederick G Brown</p> <p>21 (Notary not required in California)</p> <p>22 SUBSCRIBED AND SWEORN TO</p> <p>22 BEFORE ME THIS DAY</p> <p>OF , 2018</p> <p>23</p> <p>24 NOTARY PUBLIC</p> <p>25 MY COMMISSION EXPIRES</p>	PAGE/LINE(S)	CHANGE	REASON	6 /	/	/	7 /	/	/	8 /	/	/	9 /	/	/	10 /	/	/	11 /	/	/	12 /	/	/	13 /	/	/	14 /	/	/	15 /	/	/	16 /	/	/	17 /	/	/	18 /	/	/	19 /	/	/	20 /	/	/
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